

IN THE SUPREME COURT OF ALABAMA  
October 5, 2018

ORDER

IT IS ORDERED that Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and the Appendix, Rules Governing Admission to the Alabama State Bar, be amended to read in accordance with Appendices A, B, C, D, E, and F, respectively, to this order;

IT IS FURTHER ORDERED that these amendments are effective immediately;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and the Appendix:

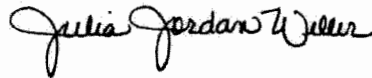
"Note from the reporter of decisions: The order amending Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and Appendix, effective October 5, 2018, is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_ So. 3d."

Stuart, C.J., and Bolin, Shaw, Main, Bryan, Sellers, and Mendheim, JJ., concur.

Parker, J., concurs as to Rule II, Rule V, Rule VI(B), and the Appendix and dissents as to Rule III and Rule IV.

Wise, J., concurs as to Rule II, Rule III, Rule IV, Rule VI(B), and the Appendix and dissents as to Rule V.

**Witness my hand this 5th day of October, 2018.**



**Clerk, Supreme Court of Alabama**

<p><b>FILED</b> <b>October 5, 2018</b> <b>8:27 am</b> <b>Clerk</b> <b>Supreme Court of Alabama</b></p>
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## APPENDIX A

### Rule II. Application for Admission to the Alabama State Bar

A. Applications. Applications for admission to the Alabama State Bar, whether filed as a registrant under Rule I or as an applicant under this rule, are continuing in nature and must give the information sought correctly and fully as of the date that the applicant is sworn in as a member of the Alabama State Bar. To that end, every applicant or registrant shall immediately inform the Secretary of any change or discovered error in the requested information that may occur between the time that information is furnished to the Alabama State Bar and the date of the applicant's admission.

The Board may require that all the information furnished be given under oath.

As a condition for admission into the bar examination, every applicant shall state under oath when filing an application for admission that all information in every application and in all amendments thereto previously submitted is true and complete.

#### B. Residency Requirements.

(1) Applicants who have neither applied nor been admitted to the bar of any other jurisdiction shall pay the amount prescribed in item (1) of the Fee Schedule (see Appendix).

(2) All other applicants, unless otherwise provided for by these Rules, shall pay the amount prescribed in item (2) of the Fee Schedule (see Appendix).

Each applicant who qualifies under this subsection shall be required to undergo a separate character and fitness investigation conducted by the National Conference of Bar Examiners (NCBE) and to pay the costs associated therewith.

(3) The cost of a transcript or any record or document reasonably required by the Board in the conduct of an investigation or inquiry into the character and fitness of an applicant or a registrant shall be paid by such applicant or registrant.

C. Filing Deadlines.

(1) All applicants for admission by examination shall electronically submit their completed applications not later than October 1 preceding the February examination and not later than February 1 preceding the July examination.

(2) The Alabama State Bar will acknowledge receipt of all applications filed on or before the deadlines prescribed in subsection (1) of this section. Included in this acknowledgment will be the deadline for receipt of any paper components of the application that must be submitted in original hard-copy format.

(3) Any paper components of the application are deemed timely filed if they are (a) received on or before the deadline given in accordance with subsection (2) of this section or (b) postmarked on or before the deadline given in accordance with subsection (2) of this section and received with seven (7) days of the postmark date.

D. Supporting Affidavits. In support of said application the applicant shall cause to be sent directly to the Secretary affidavits by three attorneys in good standing who have for five years been admitted to practice law. These affidavits must be to the effect that each affiant is acquainted with the applicant and should state the extent and duration of the association, the frequency of contact, the opportunity of observing and knowing the demeanor, habits, character, associates of and conduct of the applicant, the type of such associates, and generally the background, standing and position in life of the applicant, and that the applicant has a good character and reputation where the applicant resides and enjoys the confidence and respect of the general public. Each such affidavit shall state whether the affiant's appraisal of the applicant is based upon personal knowledge or upon inquiry.

E. Reexamination. Every applicant who is qualified and desires to repeat any part of the academic portion (see Rule VI(B)) of the bar examination shall file a Reapplication for Admission to the Alabama State Bar. The reapplication shall be accompanied by the amount prescribed in item (3) of the Fee Schedule (see Appendix). The reapplication shall be filed in the office of the Secretary within the deadlines as specified under the provisions of this rule as they pertain to the

examination such applicant desires to take. In those instances where the running of the deadline under this rule occurs before notification is given of the failure of any part of the examination, thus precluding compliance with the deadline by unsuccessful examinees, the deadline shall extend for a period of 10 days from the date of the release of results of the examination.

F. Postponement of Examination. Applicants seeking to postpone their submission to the Alabama State Bar examination shall be permitted to do so upon payment of a fee of \$100.00 to the Alabama State Bar. A written notice of postponement and the \$100.00 fee must be received by the Alabama State Bar at least seven days in advance of the commencement of the examination.

Any applicant who has not made an appropriate postponement at least seven days in advance of the commencement of the examination shall be deemed to have forfeited the entire examination fee if the applicant fails to take the examination for which application has been made.

Any postponement made in accordance with the provisions of this section shall be effective only until the examination immediately following the examination from which the applicant is postponing. All applicants who have postponed their submission to examination may file a reapplication for the next examination. Any applicant who has postponed his or her submission to examination and who does not reapply and sit for the examination immediately following the postponed examination shall be deemed to have forfeited the entire examination fee.

G. Application Fees Nonrefundable. Any fee required with an application filed pursuant to these Rules shall be nonrefundable.

## APPENDIX B

### Rule III. Persons Entitled to Admission Without Examination

A. Reciprocity. No person shall be admitted to the Alabama State Bar without examination except as follows:

(1) An applicant who meets the requirements of paragraphs (a) through (k) of this rule may, without examination, be admitted to the practice of law in Alabama. The applicant shall

(a) have been admitted to practice law in another state, territory, or the District of Columbia;

(b) hold a first professional degree of law (J.D. or L.L.B.) from a law school that was on the approved list of the American Bar Association at the time the degree was conferred;

(c) have been primarily engaged in the active practice of law in one or more states, territories, or the District of Columbia for five of the six years immediately preceding the date upon which the application is filed;

(d) establish that the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, or in which he or she was or is domiciled and admitted before seeking admission here, would allow attorneys from Alabama a similar accommodation as set forth in this rule;

(e) establish that the applicant is currently a member in good standing in all jurisdictions where he or she is admitted;

(f) establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(g) establish that the applicant possesses the character and fitness to practice law as determined by the Committee on Character and Fitness under Rule V of these Rules;

(h) establish that the applicant has not, within the 10 years prior to making application, taken and failed the Alabama Bar examination;

(i) be a permanent resident of the State of Alabama at the time of application or certify his or her intention to conduct the primary practice of law in Alabama and to maintain an office for the practice of law in this State. The "primary practice of law" shall mean at least 75% of the time devoted to the practice of law will be conducted in this State;

(j) have taken and achieved a score of 75 or better on the Multistate Professional Responsibility Examination (MPRE); and

(k) have complied with the requirements of Rule I and paid the fee prescribed in item (4) of the Fee Schedule (see Appendix).

(2) For the purposes of this rule, the "active practice of law" under paragraph A(1)(c) shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice; however, in no event shall activities listed under paragraphs A(2)(e) and (f) that were performed within Alabama in advance of Bar admission here be accepted toward the durational requirement:

(a) Representation of one or more clients in the practice of law;

(b) Service as a lawyer with a local, state, territorial, or federal agency, including military service;

(c) Teaching law at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(d) Service as a judge in a federal, state, territorial, or local court of record;

(e) Service as a judicial law clerk; or

(f) Service as corporate counsel.

(3) For the purposes of this rule, the active practice of law shall 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.

(4) Teachers in a law school situated in this State and accredited by the American Bar Association, who have been full-time teachers at said law school for a period of not less than three consecutive calendar years prior to the date of their application and who satisfy the requirements of paragraphs A(1)(a), (b), and (d)-(k) may be admitted to the practice of law in Alabama. All such applicants shall give proof of the qualifications prescribed herein, which shall be certified to by the dean of the law school at which they teach.

(5) If the applicant is found to satisfy all the requirements of this rule, the Secretary shall certify such fact to the Board of Commissioners and to the clerk of the Alabama Supreme Court.

B. Application and Fees. The Secretary is authorized and empowered to prepare the necessary forms of application and affidavits to effectuate the purpose of this rule. Those who seek admission under provisions of this rule must make application for admission to practice law, as other applicants are required to do by these Rules and any associated regulations. Any fee required with an application filed pursuant to this rule shall be nonrefundable.

## APPENDIX C

### Rule IV. Persons Entitled to Admission by Examination

A. General Requirements. Any person who is at least 19 years of age and who has complied with the requirements of Rule I is entitled to be examined for admission to the Alabama State Bar, at any examination held as prescribed by these Rules, upon proof that he or she has complied with the education requirements set out in this rule.

#### B. Education Requirements.

##### (1) Proof of Prelegal Education.

(a) An applicant who has graduated from a law school that was not on the approved list of the American Bar Association at the time of the applicant's graduation shall give proof that he or she has met the following prelegal education requirements:

(i) that the applicant has received a baccalaureate degree from a university or college that, at the time of the applicant's graduation, appeared on the approved list of any accrediting agency recognized by the United States Department of Education, or that meets substantially the same standards required for appearing on the approved list of such agency; and

(ii) that the degree was received before the applicant entered law school.

(b) An applicant who has graduated from a law school that was on the approved list of the American Bar Association at the time of the applicant's graduation shall not be required to give proof that he or she has met the prelegal education requirements set out in paragraph (a), unless such proof is required by the Committee on Character and Fitness.

(c) An applicant who has graduated from a program awarding a law degree at a university or college that, at the time of the applicant's graduation, was located outside the United States and its territories shall not be required to give proof that he or she has met the



prelegal education requirements set out in paragraph (a) of this subsection.

(2) Proof of Legal Education. An applicant shall make proof of legal study by filing with the Secretary a certificate or certificates from the dean or deans of one or more law schools, from which it shall appear that the applicant has completed legal study conforming to and fulfilling the following requirements:

(a) That the applicant has pursued and satisfactorily completed, as a resident student in a law school or law schools, a course of law studies that extended for at least 3 academic years of at least 30 weeks each; that the applicant has graduated from such a law school; and that at the time of the applicant's graduation the school from which the applicant graduated was approved by the American Bar Association; or

(b) That the applicant has pursued and satisfactorily completed, as a resident student at Birmingham School of Law, Jones School of Law of Faulkner University before June 11, 2006, the date on which Jones School of Law was provisionally accredited by the American Bar Association, or Miles College of Law, (1) a course of law studies that extended for at least 4 academic years of at least 30 weeks each or (2) a course of full-time law studies that extended for at least 3 academic years of at least 30 weeks each; that the applicant has graduated from one of these law schools; and that at the time of the applicant's graduation the school has been continuously located and has remained in continuous operation in the county in which it was operating on August 30, 1995.

For purposes of determining whether a student is engaged in "full-time law studies" so as to be able to complete those studies in 3 academic years of at least 30 weeks each the following shall apply:

(i) An academic year shall consist of not fewer than 130 class days, which days shall extend into no fewer than 8 calendar months. A class day is a day on which classes are regularly scheduled throughout the day. Time for reading periods, examinations, or other activities may not be counted for purposes of

meeting this 130-class-day requirement. A day on which classes are not scheduled throughout the day is not a "class day" for purposes of determining whether a student is engaged in "full-time law studies."

(ii) The law school shall require, as a condition for graduation, the successful completion of a course of study in residence of not fewer than 56,000 minutes of instruction time, including external study, e.g., externships, extending over not fewer than 6 academic semesters. To achieve the required 56,000 minutes of instruction time the law school must require at least 80 semester hours of credit. A semester hour of credit requires not less than 700 minutes of instruction time, exclusive of time scheduled for administering examinations. The 130-class-day requirement set out in subparagraph (b)(i) above and the 56,000-minutes requirement established in this subparagraph shall be interpreted and applied as separate and independent requirements.

(iii) The law school shall require that a student pursuing full-time law studies be enrolled for at least 10 semester hours of credit, and in each semester the student must receive credit for 9 hours in order to be considered a student pursuing full-time law studies.

(iv) The law school may permit a student pursuing full-time law studies to graduate in fewer than six academic semesters by earning not more than one semester of credit hours by taking courses offered by the law school during a summer session, provided the student meets the class-hour requirements; or

(c) That the applicant has pursued and satisfactorily completed as a resident student at a law school located outside the State of Alabama, but within the United States or one of its territories, that, as of the date of the applicant's graduation, had not been approved by the American Bar Association, a course of law studies that extended for at least 4 academic years of at least 30 weeks each, and is a graduate of that law

school; that the applicant has been admitted to the practice of law before the court of highest jurisdiction in the state or other jurisdiction in which that law school is located; that the applicant has, after the applicant's admission to practice law before the court of highest jurisdiction in that state or other jurisdiction, been continuously engaged in the active practice of law for at least 5 years; and that the applicant is a member in good standing of the bar of that court of highest jurisdiction; provided, however, that an applicant may qualify under this paragraph (c) only if the state or other jurisdiction in which is located the law school from which the applicant graduated extends comity to graduates of Birmingham School of Law and Miles College of Law and to graduates of Jones School of Law of Faulkner University before June 11, 2006, who seek admission to the bar of that state or jurisdiction, and graduates of those schools are permitted to seek admission to the bar of that state or jurisdiction on terms and conditions no more onerous than those imposed on the applicant by this paragraph (c); or

(d) That the applicant has pursued and satisfactorily completed a law-degree program of a university or college that, at the time of the applicant's graduation, was located outside the United States and its territories and was approved in that foreign jurisdiction and that the applicant has been admitted to the practice of law in the jurisdiction in which that university or college is located and (i) that the law-degree program completed by the applicant includes a substantial component of the study of English common law; or (ii) that the applicant has satisfactorily completed at least 24 semester hours of legal studies in subjects covered by the bar examination in regular law-school classes, under the same standards and conditions as are applied to other students, at a law school that was then on the approved list of the American Bar Association; or (iii) that the applicant has been admitted to the practice of law before the court of highest jurisdiction in a state or other jurisdiction within the United States, that the applicant has, after such admission, been continuously engaged in the active practice of law for at least 3 years in a state or other jurisdiction within the United States, and that the applicant is a member in good standing of the bar of that

court of highest jurisdiction.

C. Certification of Eligibility.

If the applicant is entitled to take the examination, the Secretary shall issue to such applicant a certificate substantially as follows:

The Board of Commissioners of the Alabama State Bar does hereby certify that \_\_\_\_\_, who has satisfied the applicable requirements of the Rules Governing Admission to the Alabama State Bar, is entitled to take the examination for admission to the Alabama State Bar to be administered on \_\_\_\_\_ at \_\_\_\_\_.

BY: \_\_\_\_\_  
Secretary, Board of Commissioners  
Alabama State Bar

Such certification shall be presented and verified before such applicant enters upon the examination, and the Board of Bar Examiners shall not examine any applicant by whom such certificate has not been presented and verified. The Secretary, upon issuing or refusing to issue the said certificate, shall preserve in his or her office a record of the fact that such certificate was or was not issued and the date of such action, and shall preserve in his or her office said application with the papers attached thereto, and other records in connection with the said application, all of which shall be kept on file until the examination is completed, report made thereon, and pending application finally disposed of. If an applicant is not admitted to the practice of law, the application and all other papers in connection therewith shall be kept on file in the Secretary's office for reference in connection with any future application for admission to the Bar, or for investigation and examination of the record by any person entitled thereto.

D. Limitation on Examinations. The number of times an applicant may be examined for admission to the Alabama State Bar shall be unlimited.

APPENDIX D

Rule V. Committee on Character and Fitness

A. Establishment of Committee. For the purpose of determining the fitness, character, and qualifications of applicants who desire to be admitted to the practice of law in the State of Alabama there is hereby created the Committee on Character and Fitness of the Alabama State Bar. The Committee on Character and Fitness may be divided into as many panels as may be necessary to carry out the duties of the Committee. Each panel of the Committee on Character and Fitness shall be composed of three lawyers appointed by the president of the Alabama State Bar and shall be known as a "Committee on Character and Fitness."

B. Duties of Committee. The Committee on Character and Fitness is hereby charged with the power, duty, and responsibility of determining the age, the character and fitness, and the educational qualifications of each applicant for admission to the Bar of Alabama. To that end, the Committee may make such investigation as it sees fit, may require the production before it of any affidavits deemed by it to have any bearing upon these questions, and may require the applicant to appear in person before it and be by it examined. The vote of a majority of the members of a Committee on Character and Fitness, if in meeting assembled, shall constitute the action of the Committee.

The burden is on the applicant to establish to the reasonable satisfaction of a majority of the Committee on Character and Fitness that the applicant possesses such character and qualifications as to justify the applicant's admission to the Bar and to qualify the applicant to perform the duties of an attorney and counselor at law. The failure of the applicant to fully and accurately comply with any request to produce documents or to appear personally before the Committee, or to fully and accurately provide such other information as reasonably may be requested by the Committee, shall be a sufficient ground to deny approval of the application.

When, but not until, a majority of the Committee is reasonably satisfied as to the applicant's character and fitness, and that the applicant is of the proper age and possesses the educational qualifications now or hereafter

prescribed as provided by law, the Committee shall endorse its approval on the application, and the application and all papers accompanying it shall remain on file in the Secretary's office.

If an applicant for admission by examination has passed the Academic Bar Examination and is required to appear in person before the Committee on Character and Fitness, the Committee shall hold a hearing on the application no later than 60 days after the release of the results of the examination, unless otherwise stipulated to by the applicant and the Committee. If the Committee declines to approve an application for admission, it shall hold a rehearing on the application, the date of which shall not be more than 180 days after the date of denial, unless otherwise stipulated to by the applicant and the Committee. A rehearing shall not be required if the applicant prevails on appeal or if an appeal is pending in accordance with these Rules. Notwithstanding any other provision of these Rules, any applicant for admission by examination must receive approval of the Committee on Character and Fitness within 25 months from the date of the passed Academic Bar Examination.

An applicant for admission by examination who has received approval of the Committee on Character and Fitness, whether or not the applicant appeared in person before the Committee, and who fails or withdraws from an Academic Bar Examination must submit an application for any subsequent examination in accordance with these Rules.

From a ruling of the Committee on Character and Fitness declining to approve the application for registration as a law student or declining to approve the application for admission to the State Bar or making any finding or ruling adverse to any applicant, an appeal shall lie to the Disciplinary Board of the Alabama State Bar (which, when acting in such capacity, shall be referred to as the "Character and Fitness Appeal Board"), if notice of appeal is filed with the Secretary within 30 days after the applicant has been notified of the action of the Committee. Such appeal shall be heard, de novo, within 30 days after the filing of the notice of appeal or at such time as agreed upon by stipulation between the appellant and the General Counsel of the Alabama State Bar. An appeal from a ruling of the Character and Fitness Appeal Board to the Supreme Court of Alabama shall be perfected by filing a notice of appeal with the clerk of the Supreme Court of Alabama

within 30 days after the decision of the Character and Fitness Appeal Board. The record on appeal shall be prepared in accordance with the provisions of Rule 12(f), Rules of Disciplinary Procedure of the Alabama State Bar.

The members of the Committee on Character and Fitness may separately and without assembling in meeting consider any application that is required by these Rules to be submitted to such Committee, together with the data submitted in support of such application, and may endorse upon such application their approval or disapproval thereof; unanimous action of all the members of the Committee, so taken, shall constitute valid action of the Committee, but if such action is not unanimous, the Committee, or a majority thereof, shall further consider and act upon such application in a meeting assembled.

If an applicant for admission by examination has passed the Academic Bar Examination but has not received approval of the Committee on Character and Fitness, he or she shall have a period of 25 months from the date of the passed Academic Bar Examination in which to receive such approval.

C. Determination of Committee and Disposition of Fees. Notwithstanding any other provision of these Rules, an applicant whose application is denied by the Committee on Character and Fitness and who does not prevail on rehearing or appeal of such denial shall forfeit all fees paid in conjunction with the filing of said application.

## APPENDIX E

### Rule VI(B). Bar Examination

#### A. Bar Examination Subjects.

(1) Academic Bar Examination. The Academic Bar Examination shall consist of the Uniform Bar Examination ("the UBE"). The UBE is prepared by the National Conference of Bar Examiners and includes the Multistate Essay Examination ("the MEE"), the Multistate Performance Test ("the MPT"), and the Multistate Bar Examination ("the MBE").

(2) Legal Ethics Examination. The Multistate Professional Responsibility Examination ("the MPRE," see Rule VI(B)E) prepared by the National Conference of Bar Examiners shall be used as the examination on Legal Ethics and Professional Responsibility.

An applicant must pass both the Academic Bar Examination and the Legal Ethics Examination to be certified as a successful candidate.

(3) Course on Alabama Law. Before being admitted to the practice of law in Alabama, all applicants shall complete a course on Alabama law, the content and delivery of which shall be determined by the Board of Bar Examiners.

#### B. Preparing, Conducting, and Grading Examinations.

(1) Preparing Examinations. The MBE, the MEE, and the MPT will be prepared by the National Conference of Bar Examiners, which shall determine the contents of those examinations and test.

(2) Conducting Examinations. The Board of Bar Examiners shall have the right, power, and authority to adopt rules consistent with the laws of the State of Alabama or orders of the Supreme Court or the Board of Bar Commissioners governing the control, methods, and details of conducting examinations.

The Secretary of the Alabama State Bar, at the time an applicant is certified to the Board of Bar Examiners under these Rules, shall issue to the applicant a card containing a personal-identification number, the purpose and use of which shall be carefully explained to the applicant. The Secretary



shall preserve a duplicate of that number in the Secretary's office. When taking the MEE and the MPT, the applicant may not sign his or her name to or upon any paper or documents, or identify his or her examination answers other than by that number or by such method as is required by the National Conference of Bar Examiners to identify UBE scores, and is forbidden to disclose that number to any member of the Board or to any other person. If any applicant violates this requirement in any particular, the Board of Bar Examiners shall not consider the applicant's examination papers, and if it be discovered that disclosure of the number was made, the applicant shall be subject to disciplinary action for deceit and misrepresentation. This requirement shall again be called to the attention of the applicant by the Board of Bar Examiners before the applicant is permitted to begin the examination.

The express purpose of the immediately preceding paragraph is to provide a method by which the Board of Bar Examiners, in passing upon the sufficiency of answers to questions propounded by it, shall be unacquainted with the identity of the person whose answers it is passing upon.

(3) Grading Examinations. MEE and MPT questions will test the applicant's ability to reason logically, to analyze legal problems accurately, to demonstrate a knowledge of the fundamental principles of law, to be able to apply those principles, and to perform basic legal tasks. The grade of the paper shall be measured by the reasoning power shown as well as by the correctness or incorrectness of the answers. Answers to MEE questions shall be analyzed and graded using the model answers provided by the National Conference of Bar Examiners and according to general principles of law. MEE and MPT questions will be scored by the Board of Bar Examiners.

Using the personal-identification numbers assigned to identify the respective applicants, the Board of Bar Examiners shall certify final grades to the Secretary of the Alabama State Bar no later than April 15 following a February examination and September 15 following a July examination.

The Secretary shall make a permanent record in the Secretary's office of the grades attained by each examinee in each subject and shall inform each examinee whether he or she has passed or failed the examination.

Each examinee will be furnished the following information at the time examination results are released: his or her MBE scaled score, total scaled score on written examinations (MEE and MPT), total UBE scaled score, and the raw score on each question on the MEE and the MPT.

Within 60 days after the announcement of the results, a failing examinee shall be entitled to examine his or her own papers in the State Bar headquarters for the purpose of ascertaining that grades were transcribed correctly, and, upon payment of \$5.00 per section of the MEE or the MPT, the examinee shall be entitled to receive a copy of his or her answer or answers. The UBE questions and model answers are protected by copyright owned by the National Conference of Bar Examiners, and examinees should contact the National Conference of Bar Examiners to obtain copies of those.

### C. Results of Examinations.

(1) Basic Rule. Raw scores on the MEE and the MPT portions of the UBE shall be weighted so that the MEE is worth 30% and the MPT is worth 20%. The total weighted raw score on the MEE and the MPT combined shall be scaled to the MBE. The applicant's scaled score on the MEE and the MPT portions of the UBE shall be expressed on the MBE range of scores (0-200) and shall be combined and weighted equally with the applicant's scaled MBE score to determine the examinee's total UBE scaled score. An examinee who achieves a total UBE score of 260 or above passes the Academic Bar Examination.

(2) Transfer of MBE Score. An applicant who has taken and passed a bar examination in another jurisdiction, who has been admitted to practice in that jurisdiction, and who made an MBE scaled score 140 or above in that jurisdiction may be excused from taking the MBE. The transferred MBE score will be valid for a period of 25 months after taking the MBE on which the transferred score was received. The applicant's transferred MBE score will be combined with the applicant's scaled scores on the MEE and the MPT portions of the UBE according to the basic rule. Applicants who transfer an MBE score to seek admission in Alabama will not earn a transferable UBE score that can be used to seek admission in other jurisdictions.

The applicant shall have the option to take all sections of the Academic Bar Examination; if the applicant chooses this option, the score of all sections will be combined under the basic rule.

(3) Carryover of MBE Scores. An applicant who has taken and failed the bar examination in Alabama but who made an MBE scaled score of 140 or above may be excused from taking the MBE. The MBE scaled score may be carried over to any future examination for which the examinee is eligible, provided that the examination is administered within 25 months after the earlier bar examination in which the applicant scored 140 or above on the MBE was administered, and the MBE scaled score will be combined with the applicant's scaled score on the MEE and the MPT portions of the UBE according to the basic rule. Applicants who carry over an MBE score from an earlier bar examination to seek admission in Alabama will not earn a transferable UBE score that can be used to seek admission in other jurisdictions.

The applicant shall have the option to take all sections of the Academic Bar Examination; if the applicant chooses this option, the score of all sections will be combined under the basic rule.

(4) Carryover of Written Test Score. An applicant who has taken and failed the bar examination in Alabama, but who made a scaled score of 140 or above on the MEE and the MPT portions of the UBE, as determined in accordance with the basic rule, may be excused from taking those portions of the bar examination that contribute to the scaled written score on the MEE and the MPT. The scaled written score may be carried over for any future bar examination for which the examinee is eligible, provided that the examination is administered within 25 months after the earlier bar examination in which the carry-over score was received, and the scaled written score will be combined with the applicant's MBE score according to the basic rule. Applicants who carry over a scaled score on the MEE and the MPT to seek admission in Alabama will not earn a transferable UBE score that can be used to seek admission in other jurisdictions.

The applicant shall have the option to take all sections of the Academic Bar Examination; if the applicant chooses this option, the score of all sections will be combined under the basic rule.

(5) Time of Election to Transfer or Carry Over Scores. Elections regarding the transfer from another jurisdiction of an MBE score or the carryover of an MBE score or the carryover of a scaled written score on the MEE and the MPT from a previous examination taken in Alabama must be made at the time an application to sit for an examination is filed.

(6) Transfer of UBE Score. An applicant who has taken the entire UBE in a single administration in another jurisdiction and earned a total UBE scaled score of 260 or above may transfer his or her UBE score and be excused from taking the UBE in Alabama, provided that the applicant otherwise satisfies the requirements of these Rules applicable to applicants seeking admission by examination. The transferred UBE score will be valid for a period of no longer than 25 months after the date of administration of the UBE that resulted in the transferred score.

Applicants seeking admission on the basis of a transferred UBE score may file an application for admission to the Alabama State Bar at any time after their UBE score has been released by the transferring jurisdiction. At the time of filing such application, the applicant must pay the fee prescribed in item (5) of the Fee Schedule (see Appendix). No later than the date the application is filed, such applicants shall request an official UBE score transcript be sent to the Board of Bar Examiners by the National Conference of Bar Examiners.

The transferred UBE score must be valid in accordance with the provisions of this subsection on the date the applicant may otherwise be certified for admission to the Alabama State Bar. If the transferred UBE score becomes invalid on or before said date, then the application for admission shall be withdrawn, and the applicant shall not be entitled for admission on such application.

D. Access to Information Regarding the UBE. The Board of Bar Examiners shall make available to applicants sample and informational materials that will acquaint applicants with the general content and format of the MBE, the MEE, and the MPT. This requirement may be met by routinely distributing to all applicants the information booklets on these examinations published by the National Conference of Bar Examiners and by advising applicants of the availability, through the National Conference of Bar Examiners, of sample questions and analyses.

A reasonable fee, to be determined by the Board of Bar Examiners with the concurrence of the Board of Bar Commissioners, may be charged to parties outside the routine distribution who request copies of the materials.

E. The MPRE. Before admission to the Bar, each applicant must have successfully passed the MPRE. To successfully complete the MPRE, the applicant must achieve a scaled score of at least 75, as that score is determined by the testing authority. Successful completion of the MPRE by an applicant for admission by examination at any time within the 25 months preceding the Academic Bar Examination will be accepted. If an applicant has passed the Academic Bar Examination but has not successfully completed the MPRE, he or she shall have a period of 25 months from the date of the Academic Bar Examination in which to successfully complete the MPRE. Applicants who transfer a UBE score from another jurisdiction must successfully complete the MPRE no earlier than 25 months before the date of administration of the UBE in which the transferrable UBE score was earned.

Completed application materials for testing, as well as all other correspondence, inquiries, and requests concerning application materials and the administration and processing of the MPRE should be directed to the National Conference of Bar Examiners.

F. Time of Bar Examination. The examination will be given on Tuesday and Wednesday of that week in February and in July on which the UBE is administered. The MPT and the MEE will be on Tuesday, and the MBE on Wednesday.

APPENDIX F

Appendix. Fee Schedule

- (1) \$575.00, see Rule II.B(1) (applicants who have never made application to the bar of any jurisdiction).
- (2) \$575.00 and costs associated with a character and fitness investigation conducted by the NCBE, see Rule II.B(2) (any applicant who has previously made application to the bar of any other jurisdiction and foreign-education or foreign-practicing-attorney applicants).
- (3) \$575.00, see Rule II.E (reapplications).
- (4) \$875.00 and costs associated with a character and fitness investigation conducted by the NCBE, see Rule III. A(1)(k) (out-of-state attorneys qualifying for reciprocity pay costs associated with such investigation).
- (5) \$875.00 and costs associated with a character and fitness investigation conducted by the NCBE, see Rule VI(B).C(6) (UBE-score transfer applicants).