

IN THE SUPREME COURT OF ALABAMA
AUGUST 15, 2013

ORDER

IT IS ORDERED that Rule VI(B), Rules Governing Admission to the Alabama State Bar, be amended to read in accordance with the appendix attached to this order;

IT IS FURTHER ORDERED that the amendment of Rule VI(B) be effective immediately,

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule VI(B):

"Note from the reporter of decisions: The order amending Rule VI(B), Rules Governing Admission to the Alabama State Bar, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Moore, C.J., and Stuart, Bolin, Parker, Murdock, Shaw, Main, Wise, and Bryan, JJ., concur.

APPENDIX

Rule VI(B). Bar Examination

A. Bar Examination Subjects.

(1) Academic Bar Examination. Beginning with the Bar Examination given in July 2014, 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. The Board of Bar Examiners shall regrade all the answers of any applicant whose initial combined score, computed as set forth in Rule VI(B)C(1), is 253, 254, or 255.

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.

An examinee who fails the academic portion of the bar examination will be furnished the following information at the time the examinee is notified of the failure: 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 sixty (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 scaled score of 256 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 will be excused from taking the MBE. The transferred MBE score will be valid for a period of twenty-five (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 scores 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 but who made an MBE scaled score of 140 or above will be excused from taking the MBE. The MBE scaled score will be carried over to any future examination for which the examinee is eligible, provided that the examination is administered within twenty-five (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 scores 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 scores 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, 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, will 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 will be carried over for any future bar examination for which the examinee is eligible, provided that the examination is administered within twenty-five (25) months after the earlier bar examination in which the carryover 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 scores 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 256 or above may transfer his or her UBE score and be excused from taking the UBE in Alabama. The transferred UBE score will be valid for a period of no longer than twenty-five (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. 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.

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 least 75, as that score is determined by the testing authority. Successful completion of the MPRE by an applicant at any time within the twelve- (12-) month period before the taking of the Academic Bar Examination will be accepted, and such successful completion may be carried over for a period of twenty-five (25) months from the time the first Academic Bar Examination is taken, if the applicant does not pass the Academic Bar Examination. If an applicant has passed the Academic Bar Examination but has not successfully completed the MPRE, he or she shall have a period of twenty-five (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 twelve (12) months before the UBE was taken in the transferring jurisdiction.

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.