

# SUPREME COURT OF ARKANSAS

IN RE RULES GOVERNING  
ADMISSION TO THE BAR &  
ADMISSION TO THE BAR  
REGULATION 7

Opinion Delivered: April 18, 2019

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## PER CURIAM

The Supreme Court hereby amends Rule IX of the Arkansas Rules Governing Admission to the Bar, adopts Rule XVIII to the Rules Governing Admission to the Bar, and amends Admission to the Bar Regulation 7—effective October 1, 2019. The changes are set out in “line-in,” “line-out” fashion (new material is underlined; deleted material is lined through).

### RULE IX. EXAMINATION--SUBJECTS--PASSING GRADE

**A. Unified Bar Examination.** All examinations given by the Arkansas Board of Law Examiners (beginning with the February 2020 Exam) shall be prepared by the National Conference of Bar Examiners and shall consist of six Multistate Essay Examination questions, two Multistate Performance Test questions and the Multistate Bar Examination, which is made up of 200 multiple choice questions.

Subjects tested on the UBE may include, but not be limited to: Business Associations, Civil Procedure, Conflicts of Law, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Family Law, Real Property, Secured Transactions, Torts, and Trusts and Estates.

~~**A. General Examination.** All examinations shall be in writing and may cover the subjects hereinafter listed and such other subjects as the Board may direct, subject to prior Court approval.~~

~~*Business Organizations.* This subject heading may include corporations, partnerships, agency and master-servant relationships.~~

~~*Commercial Transactions.* This subject heading may include the general coverage of the U.C.C. This will not include the general subject of contracts and will not include matters relating to warranties under product liability, both of which may be covered under other headings.~~

~~*Criminal Law and Procedure.* This subject heading may include constitutional law as it applies to criminal law and procedure.~~

~~*Constitutional Law.* This subject heading may include both the Arkansas Constitution and the Constitution of the United States. This subject will not be primarily directed to matters relating to criminal law and procedure.~~

~~*Torts.* This subject heading may include the entire field of Tort law and questions concerning product liability.~~

~~*Property.* This subject heading may include the law of real property and, or, personal property. Emphasis here should not be placed on the U.C.C. and other such questions arising primarily under the subject heading “Commercial Transactions.”~~

~~*Wills, Estates, Trusts.* Because of the broad scope of this subject heading, questions concerning taxation shall not be covered. Guardianship of both the person and the estate may be included.~~

~~*Evidence*~~

~~Practice and Procedure. This subject heading may include both state and federal trial and appellate practice and, where applicable, remedies and choice of forum.~~

~~*Equity and Domestic Relations*~~

~~*Contracts.* This subject heading should place emphasis upon the traditional basics of contract law. Only where duplication cannot be avoided, should matters such as the application of the Uniform Commercial Code be covered under this heading.~~

*Multistate Performance Test.* The Multistate Performance Test (MPT) presents problems which arise in a variety of fields of law which include the subject area as set forth in the preceding paragraphs as well as other fields of law. However, materials provided with the examination provide sufficient substantive information to complete the task set forth in each MPT question.

~~NOTE: Conflict of Laws is not included as a separate subject on the examination. However, conflict questions may arise in the subjects included on the examination and should be recognized as such.~~

*Pass/Fail Determination.* The answers to each essay question and each MPT question will be graded on a scale ranging from 65 to 85. This score shall be designated as the applicant’s “raw” score on a question. The raw score on each MPT question will be multiplied by 1.5. The resulting products from the MPT questions will be added to the sum of the raw scores from the essay questions to yield a “total written raw” score.

The distribution of the total written raw scores acquired by applicants on a given examination will be converted to a score distribution that has the same mean and standard deviation as those same applicants’ Multistate Bar Examination scale scores on that examination. The score on this converted scale that corresponds to the applicant’s total written raw score shall be designated as the applicant’s “written scale” score. An applicant’s total examination score shall be determined by the following formula: **total score = written scale score + MBE scale score.** An applicant shall pass the examination if he or she earns a total score of 270 points or higher.

~~A bar examination applicant may retain a Multistate Bar Examination scale score of 135 or more. The retained score may be used in the immediately succeeding examination only. An applicant may transfer from another jurisdiction a Multistate Bar Examination scale score of 135 or more for use in the immediately succeeding examination only.~~

The Board shall destroy all examination papers, including questions and answers, at the time of the next succeeding bar examination. However, the original copy of each question shall be maintained in accordance with Rule III.

**B. Multistate Professional Responsibility Examination.** The provisions of Section A of this rule, titled GENERAL EXAMINATION, and the provisions of Rules II and IV of the Rules Governing Admission to the Bar shall govern the semiannual general examinations conducted by the Arkansas State Board of Law Examiners.

As a prerequisite for admission to the Bar of Arkansas by examination each applicant shall be required to attain a scaled score of 85 or more on the Multistate Professional Responsibility Examination (MPRE). This score shall be considered independent of the total score as set out in Section A of this Rule. Any applicant may take the MPRE prior to a general examination, or within one (1) year from conduct of a general examination at which the applicant receives a passing score. Individuals who successfully complete the MPRE are allowed to retain, or transfer from another jurisdiction, their passing score for a period not exceeding three years from the date upon which the individual took the MPRE. There is no limit on the number of times that an applicant may take the MPRE without passing.

#### Rule XVIII. ADMISSION BY TRANSFER OF UNIFORM BAR EXAMINATION SCORE

1. An applicant who has taken the Uniform Bar Examination in a jurisdiction other than Arkansas and earned a scaled total score of not less than 270 may be admitted to the practice of law in Arkansas if:

(a) The scaled score was attained on a UBE administered within the thirty-six (36) months preceding the date the application is properly submitted to the Arkansas State Board of Law Examiners;

(b) The applicant has requested the transfer of the score from the jurisdiction where the score was achieved or from the National Conference of Bar Examiners directly to the Arkansas State Board of Law Examiners;

(c) The applicant establishes that he or she satisfies the educational requirements of Rule XII of these Rules;

(d) The applicant has not been unsuccessful on the examination in Arkansas within five (5) years of the date of filing an application under this Rule;

(e) The applicant files the application and related forms required by the Board and pays the required, non-refundable fee;

(f) The applicant is a member in good standing in all jurisdictions in which the applicant is currently admitted;

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

(h) The applicant possesses the character and fitness to practice law in this jurisdiction;

(i) The applicant has earned a scaled score of not less than 85 on the Multistate Professional Responsibility Examination; and,

(j) The applicant satisfies all other applicable requirements of the Rules Governing Admission to the Bar of Arkansas.

#### REGULATION 7. APPLICATION AND MISCELLANEOUS FEE SCHEDULE

Bar Examination Application Fee \$1,000

Application mailing fee \$5.00

~~MBE transfer fee 25.00~~

UBE Transfer Fee \$1,500.00

Copies -- per page .25

The miscellaneous fees set forth above are in addition to any other fees or expenses the applicant may be required to submit in connection with his or her application.