

FILED

June 7 2016

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0244

FILED  
Case Number: AF 11-0244

JUN 07 2016

IN RE THE RULES FOR ADMISSION TO THE  
BAR OF THE STATE OF MONTANA

ORDER *Ed Smith*  
ADOPTING RECOMMENDATIONS  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

By order of January 28, 2016, the Court appointed an ad hoc committee to consider the Memorandum submitted to the Court on January 14, 2016, by Paul Kirgis, Dean of the Alexander Blewett III School of Law, regarding issues related to the Montana Bar Examination, and to report any recommendations to the Court. The committee has submitted a report with its recommendations, including that the Court lower the passing score on the examination. Public comment was requested and received on the committee's recommendations and has been considered. A public meeting on the recommendations was conducted on May 31, 2016, at which the Court voted to adopt all of the committee's recommendations. Therefore,

IT IS ORDERED that, effective immediately, the minimum passing combined scaled score on the Montana Bar Examination, consisting of the Uniform Bar Examination (UBE), is reduced from 270 and set at 266 on a 400-point scale. The admission rules permit an applicant who has achieved a Montana passing score on the UBE while taking the examination in another jurisdiction to transfer that score to Montana within three years of taking the bar examination. Rule IV, Rules of Admission. Consistent therewith, the reduction in minimum passing score to 266 is approved retroactively for applicants who achieved that score during the past three years, whether they took the examination in another jurisdiction or in Montana.

IT IS FURTHER ORDERED that, because the three-year time period will shortly expire for those applicants who scored 266-269 on the July 2013 examination, and as recommended in the comments submitted by the Trustees of the State Bar, a one-time, three-month extension of time is hereby granted, through and including November 1,

2016, for July 2013 examinees only, to request use or transfer of their UBE score in support of an application for admission.

IT IS FURTHER ORDERED that the recommendation for creation of a standing committee to periodically review issues related to legal education, testing and bar eligibility is adopted. The Court will entertain a petition from Dean Kirgis regarding the structure and operation of the standing committee.

IT IS FURTHER ORDERED that revisions to the Rules of Admission and the Board of Bar Examiners' Rules to reflect the reduction in minimum passing combined scale score on the Montana Bar Examination to 266, including substituting "266" for "270" in Rules III.K.1. and IV.A.2. of the Rules of Admission and in Rule 103.C. of the Board of Bar Examiners' Rules, are hereby adopted.

We wish to thank Dean Paul Kirgis, Beth Brennan, Jamie Iguchi, and Randy Cox for their service on the committee, and Greg Murphy, Kathie Lynch, Jacqueline Lenmark, and Chris Wethern for their assistance to the committee.

A copy of this Order shall be posted on the Court's website. In addition, the Clerk is directed to provide copies of this Order to the Executive Director of the State Bar of Montana with the request that it be posted on the State Bar's website and in the *Montana Lawyer*; the Chair of the Board of Bar Examiners; Kathie Lynch, Bar Admissions Administrator; Dean Paul Kirgis of the Alexander Blewett III School of Law; the Chair of the Committee on Character and Fitness; Helene Haapala and Colena Webb of Thomas Reuters; Robert Roy and Patti Glueckert of LexisNexis; and Randy Cox, Beth Brennan, Jamie Iguchi, and Greg Murphy, attorneys at law.

DATED this 7<sup>th</sup> day of June, 2016.

  
Chief Justice

  
Jim Rice

*Joe Felt*

*Pat Felt*

*Michael E. Wheeler*

*James J. G.*

*Patricia Cotter*

Justices