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SUPREME COURT OF ARKANSAS

Opinion Delivered: December 3, 2020

IN RE AMENDMENTS TO RULES
GOVERNING ADMISSION TO THE
BAR

PER CURIAM

The Supreme Court hereby amends the Rules Governing Admission to the Bar--effectively immediately. The changes are set out in “line-in,” “line-out” fashion (new material is underlined; deleted material is lined through).

Rule IV. Duties of the Board.

The Board shall cause to be provided questions to be used on examinations, and shall furnish to each applicant a set of such questions, on the day of examination.

The Board shall cause to be graded the examination papers and ~~as a Board ascertain the average grade of each applicant.~~ provide those raw written scores to the NCBE for scaling to the MBE for determination of an applicant’s total scaled score.

The names and addresses of applicants passing the examination as determined pursuant to Rule IX of these rules and who are otherwise eligible for admission in accord with Rule XIII of these rules; or, who are eligible for admission or reinstatement pursuant to Rule XVI, Rule XVII, Rule XVIII or Rule VII of these rules; and who meet the requirements of Rule XIII of these rules, may be certified by the Executive Secretary to the Clerk of the Supreme Court, with a recommendation that they be licensed as attorneys-at-law.

Rule IX. Examination - Subjects - Passing Grade.

A. Unified Uniform 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.

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.

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.

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 UNIFORM BAR 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 XI. Expense Fee.

A fee, as established from time to time by the Court must accompany initial and subsequent applications to take the bar examination as well as applications for admission on motion as set forth in Rule XVI Admission on Motion, Rule XVII Military Spouse Temporary Admission, and Rule XVIII Admission by Transfer of UBE Score of these rules. Remittances for such fees shall be made by Post-Office Money Order or Cashier's Check payable to the Clerk of the Supreme Court. Fees thus provided shall be used by the Board to defray the expenses of examination, and necessary expenses of the Board Members while attending meetings. The members of the Board shall be entitled to receive per diem, and reasonable reimbursement for expenses of meals, lodging, and transportation as may be set from time to time by the Court. Fees shall also be used to assist the Board and the Executive Secretary in carrying out their duties under these rules.

Rule XVI. Admission on Motion.

1. An applicant who meets the requirements of (a) through ~~(g)~~ (h) of this rule may, upon motion, be admitted to the practice of law in this jurisdiction.

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 in law (J.D. or L.L.B.) from a law school approved by 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 three of the five 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, for the two year period immediately preceding establishment of permanent residence in this state or filing application under this rule, would allow attorneys from this state a similar accommodation as set forth in this rule; however, applicants who have been on continuous active military duty for three of the five years mentioned in (c) above may, in the discretion of the Board, be excused from the two year requirement of this rule;

(e) establish that the applicant is currently a member in good standing in all jurisdictions where 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 set out in Rule XIII of these rules; and

~~(h) designate the Clerk of this Court for service of process; and,~~

~~(i) pay a fee as may be set by this Court.~~

2. For the purposes of this rule, the “active practice of law” 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 (2)(e) and (f) that were performed within Arkansas 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 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. An applicant who has failed a bar examination administered in Arkansas within five years of the date of filing an application under this rule shall not be eligible for admission on motion.

5. Proceedings under this rule shall be governed by the relevant provisions of Rule XIII of these rules. Further, the applicant must complete the Petition and Oath and file same with the Clerk of the Supreme Court along with required fees within one year of the date of certification of eligibility for admission. Failure to do so will extinguish the application and forfeit the fee and the applicant will be required to file a new application and pay another fee if the applicant wishes to proceed to secure admission.

6. Upon request of the Executive Secretary, where an application has been pending for more than one year, the Board may cancel the pending application, after appropriate notice to the applicant, and forfeit the fee and require the applicant to submit a new application and pay another fee in order to proceed.

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.....	\$ 1000.00
Application mailing fee	\$ 5.00
UBE transfer fee.....	\$ 25.00
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.