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ALABAMA STATE BAR
OFFICE OF GENERAL COUNSEL

IN THE SUPREME COURT OF ALABAMA
March 2, 2011

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 May 1, 2011.

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."

Cobb, C.J., and Woodall, Stuart, Bolin, Parker, Murdock, Shaw, Main, and Wise, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 2nd day of March, 2011

Robert G. Esdale, Sr.

Clerk, Supreme Court of Alabama

APPENDIX

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") and the Alabama Essay Examination ("the AEE"). 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"). The AEE is prepared by the Board of Bar Examiners.

(a) The MEE. The MEE is a three-hour essay test. The purpose of the MEE is to test the examinee's ability (1) to identify legal issues raised by a hypothetical factual situation; (2) to separate material that is relevant from that that is not; (3) to present a reasoned analysis of the relevant issues in a clear, concise, and well organized composition; and (4) to demonstrate an understanding of the fundamental legal principles relevant to the probable resolution of the issues raised by the factual situation. The MEE may test the following subjects: Business Associations (Agency and Partnership; Corporations and Limited Liability Companies), Conflict of Laws, Constitutional Law, Contracts,

Criminal Law and Procedure, Evidence, Family Law, Federal Civil Procedure, Real Property, Torts, Trusts and Estates (Decedents' Estates; Trusts and Future Interests), and Uniform Commercial Code (Negotiable Instruments (Commercial Paper); Secured Transactions). Some questions may include issues in more than one area of law.

(b) The MBE. The MBE is a one-day multiple choice test. The purpose of the MBE is to assess the extent to which an examinee can apply fundamental legal principles and legal reasoning in analyzing fact patterns. The MBE will test the following subjects: Contracts, Torts, Real Property, Evidence, Criminal Law, and Constitutional Law.

(c) The MPT. The MPT is two 90-minute tests covering the following skills: problem solving, legal analysis and reasoning, factual analysis, communication, organization and management of a legal task, and recognizing and resolving ethical dilemmas.

(d) The AEE. The AEE shall not exceed three hours in length. This portion of the examination will cover subjects not tested by the UBE.

(2) Legal Ethics Examination. The Multistate Professional Responsibility Examination ("the MPRE," see Rule

VI(B)F) 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.

B. Preparing, Conducting, and Grading Examinations.

(1) Preparing Examinations. The Board of Bar Examiners shall be responsible for preparing the AEE, under guidelines established by the Board with the approval of the Board of Commissioners. 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 the 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 examination, the applicant may not sign his or her name to or upon any paper or document, or identify his or her examination answers other than by that number, 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. Essay-examination questions and performance-test 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 these 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. Answers to AEE questions shall be analyzed and graded using the model answers prepared by the Board of Bar Examiners and according to Alabama or federal law, as appropriate. Essay-examination questions and performance-test 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 total Academic Bar Examination score; his or her AEE scaled score and the raw score on each AEE question; and, if the examinee took the UBE in Alabama, 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 any essay examination or performance test, the examinee shall be entitled to receive a copy of his or her answer or answers, a

copy of the AEE questions, and a copy of the AEE model 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.

The raw scores on the AEE shall be scaled to the MBE, and the scaled score shall be multiplied by two to express the AEE score on the same scale as the UBE score (0-400). The UBE score shall be weighted 80% and the AEE score shall be weighted 20% to determine an examinee's combined score on the Academic Bar Examination. An applicant who achieves a

combined score of 256.000 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 of 140 or above will be excused from taking the MBE. The transferred MBE score will be valid for a period of twenty (20) 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 and on the AEE 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 (20) 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 and on the AEE 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 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 on the MEE and the MPT portions of the UBE or on the AEE that is equivalent to or greater than an MBE scaled score of 140, as determined in accordance with the basic rule, will be excused from taking those sections of the bar examination that contribute to the scaled written score. 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 (20) months after the earlier bar examination in which the carryover score was received, and the scaled written score or scores 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 MEE, MPT, or AEE score 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 and successfully completed the entire UBE in a single administration in another jurisdiction may transfer the total

UBE scaled score and be excused from taking the UBE in Alabama. The transferred UBE score will be valid for a period of twenty (20) months after taking the UBE in which the transferred score was received. The transferred UBE score will be combined with the applicant's scaled written score on the AEE according to the basic rule.

D. Access to Information Regarding the AEE. At least twelve (12) months in advance of the first administration of the AEE pursuant to this rule, the Board of Bar Examiners shall prepare and distribute to all students in Alabama law schools (individually or through the schools) and to the deans of all Alabama law schools an information booklet on the AEE. This booklet shall include a description of the examination, including a statement of its purpose and the areas of law to be covered; the instructions that will accompany the examination when it is administered; and the subject matter or topic outline required by Rule VI(B)A(1)(a). Following the first administration of the examination under this rule, the information booklet shall be revised to include the questions and corresponding model answers from the first examination. The Board of Bar Examiners shall thereafter update the information booklet at such times as it deems appropriate and

shall include in that booklet representative sample questions and corresponding model answers from prior examinations. The Board shall routinely distribute the booklet to all applicants and shall make the booklet available upon request. 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 booklet.

E. Access to Information Regarding Other Examinations. 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.

F. 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 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 (20) 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 (20) 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 and no later than twenty (20) months from the time the first AEE is taken.

Completed application materials for testing, as well as all other correspondence, inquiries, and requests concerning

application materials and the administration and processing of the National Conference of Bar Examiners' MPRE should be directed to:

National Conference of Bar Examiners
MPRE Application Department
P.O. Box 4001
Iowa City, Iowa 52243
(319) 337-1304

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