

By: Representative Smith (35th)

To: Judiciary A

HOUSE BILL NO. 525

1 AN ACT TO AMEND SECTION 73-3-2, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A GRADUATE OF ANY LAW SCHOOL MAY TAKE THE BAR
3 EXAMINATION; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 73-3-2, Mississippi Code of 1972, is
6 amended as follows:

7 73-3-2. (1) Power to admit persons to practice. The power
8 to admit persons to practice as attorneys in the courts of this
9 state is vested exclusively in the Supreme Court of Mississippi.

10 (2) Qualifications. (a) Each applicant for admission to
11 the bar, in order to be eligible for examination for admission,
12 shall be at least twenty-one (21) years of age, of good moral
13 character, and shall present to the Board of Bar Admissions
14 satisfactory evidence:

15 (i) That he has successfully completed, or is
16 within sixty (60) days of completion of, a general course of study
17 of law in a law school whether or not such law school is
18 provisionally or fully approved by the section on legal education
19 and admission to the bar of the American Bar Association or any
20 law school which is approved by another state or United States
21 territory to confer a juris doctorate degree and whose graduates
22 are qualified to sit for the bar examination of that state or
23 territory, and that such applicant has received, or will receive
24 within sixty (60) days, a diploma or certificate from such school
25 evidencing the satisfactory completion of such course, but in no
26 event shall any applicant under this paragraph be admitted to the

27 bar until such applicant actually receives such diploma or
28 certificate. However, an applicant who, as of November 1, 1981,
29 was previously enrolled in a law school in active existence in
30 Mississippi for more than ten (10) years prior to the date of
31 application shall be eligible for examination for admission;
32 provided that such an applicant graduated prior to November 1,
33 1984;

34 (ii) That he has notified the Board of Bar
35 Admissions in writing of an intention to pursue a general course
36 of study of law under the supervision of a Mississippi lawyer
37 prior to July 1, 1979, and in fact began study prior to July 1,
38 1979, and who completed the required course of study prior to
39 November 1, 1984, in accordance with Sections 73-3-13(b) and
40 73-3-15 as the same exist prior to the effective date of this
41 section; or

42 (iii) That in addition to complying with either of
43 the above requirements, he has received a bachelor's degree from
44 an accredited college or university or has met the undergraduate
45 qualifications of a student whose college credits or equivalency
46 are accepted in another state or United States territory or that
47 he has received credit for the requirements of the first three (3)
48 years of college work from a college or university offering an
49 integrated six-year prelaw and law course, and has completed his
50 law course at a college or university offering such an integrated
51 six-year course. However, applicants who have already begun the
52 general course of study of law as of November 1, 1979, either in a
53 law school or under the supervision of a Mississippi lawyer shall
54 submit proof he has successfully completed two (2) full years of
55 college work.

56 (b) The applicant shall bear the burden of establishing
57 his or her qualifications for admission to the satisfaction of the
58 Board of Bar Admissions. An applicant denied admission for
59 failure to satisfy qualifications for admission shall have the
60 right to appeal from the final order of the board to the Chancery
61 Court of Hinds County, Mississippi, within thirty (30) days of
62 entry of such order of denial.

63 (3) Creation of Board of Bar Admissions. There is hereby

64 created a board to be known as the "Board of Bar Admissions" which
65 shall be appointed by the Supreme Court of Mississippi. The board
66 shall consist of nine (9) members, who shall be members in good
67 standing of the Mississippi State Bar and shall serve for terms of
68 three (3) years. Three (3) members shall be appointed from each
69 Supreme Court district, one (1) by each Supreme Court Justice from
70 his district, with the original appointments to be as follows:
71 Three (3) to be appointed for a term of one (1) year, three (3) to
72 be appointed for a term of two (2) years, and three (3) to be
73 appointed for a term of three (3) years, one (1) from each
74 district to be appointed each year. No member of the Board of Bar
75 Admissions may be a member of the Legislature. Vacancies during a
76 term shall be filled by the appointing justice or his successor
77 for the remainder of the unexpired term.

78 The board shall promulgate the necessary rules for the
79 administration of their duties, subject to the approval of the
80 Chief Justice of the Supreme Court.

81 (4) Written examination or graduation as prerequisite to
82 admission. Every person desiring admission to the bar, shall be
83 required to take and pass a written bar examination in a manner
84 satisfactory to the Board of Bar Admissions. The Board of Bar
85 Admissions shall conduct not less than two (2) bar examinations
86 each year.

87 (5) Oath and compensation of board members. The members of
88 the Board of Bar Admissions shall take and subscribe an oath to be
89 administered by one (1) of the judges of the Supreme Court to
90 faithfully and impartially discharge the duties of the office. The
91 members shall receive compensation as established by the Supreme
92 Court for preparing, giving and grading the examination plus all
93 reasonable and necessary travel expenses incurred in the
94 performance of their duties under the provisions of this section.

95 (6) Procedure for applicants who have failed. Any applicant
96 who fails the examination shall be allowed to take the next

97 scheduled examination. A failing applicant may request in writing
98 from the board, within thirty (30) days after the results of the
99 examination have been made public, copies of his answers and model
100 answers used in grading the examination, at his expense. If a
101 uniform, standardized examination is administered, the board shall
102 only be required to provide the examination grade and such other
103 information concerning the applicant's examination results which
104 are available to the board. Any failing applicant shall have a
105 right to a review of his failure by the board. The board shall
106 enter an order on its minutes, prior to the administration of the
107 next bar examination, either granting or denying the applicant's
108 review, and shall notify the applicant of such order. The
109 applicant shall have the right to appeal from this order to the
110 Chancery Court of Hinds County, Mississippi, within thirty (30)
111 days of entry of such order.

112 (7) Fees. The board shall set and collect the fees for
113 examination and for admission to the bar. The fees for
114 examination shall be based upon the annual cost of administering
115 the examinations. The fees for admission shall be based upon the
116 cost of conducting an investigation of the applicant and the
117 administrative costs of sustaining the board, which shall include,
118 but shall not be limited to:

- 119 (a) Expenses and travel for board members;
120 (b) Office facilities, supplies and equipment; and
121 (c) Clerical assistance.

122 All fees collected by the board shall be paid to the State
123 Treasurer, who shall issue receipts therefor and who shall deposit
124 such funds in the State Treasury in a special fund to the credit
125 of said board. All such funds shall be expended only in
126 accordance with the provisions of Chapter 496, Laws of 1962, as
127 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

128 (8) The board, upon finding the applicant qualified for
129 admission, shall issue to the applicant a certificate of

130 admission. The applicant shall file the certificate and a
131 petition for admission in the Chancery Court of Hinds County,
132 Mississippi, or in the chancery court in the county of his
133 residence, or, in the case of an applicant who is a nonresident of
134 the State of Mississippi, in the chancery court of a county in
135 which the applicant intends to practice. The chancery court
136 shall, in termtime or in vacation, enter on the minutes of that
137 court an order granting to the applicant license to practice in
138 all courts in this state, upon taking by the applicant in the
139 presence of the court, the oath prescribed by law, Section
140 73-3-35, Mississippi Code of 1972.

141 SECTION 2. This act shall take effect and be in force from
142 and after July 1, 1999.