

By: Representative Smith (35th)

To: Judiciary A

HOUSE BILL NO. 902

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 that he has received credit  
45 for the requirements of the first three (3) years of college work  
46 from a college or university offering an integrated six-year  
47 prelaw and law course, and has completed his law course at a  
48 college or university offering such an integrated six-year course.  
49 However, applicants who have already begun the general course of  
50 study of law as of November 1, 1979, either in a law school or  
51 under the supervision of a Mississippi lawyer shall submit proof  
52 he has successfully completed two (2) full years of college work.

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



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

75           The board shall promulgate the necessary rules for the  
76 administration of their duties, subject to the approval of the  
77 Chief Justice of the Supreme Court.

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

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



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

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

- 116                   (a) Expenses and travel for board members;
- 117                   (b) Office facilities, supplies and equipment; and
- 118                   (c) Clerical assistance.

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



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

138           (9) Each application or filing made under this section shall  
139 include the social security number(s) of the applicant in  
140 accordance with Section 93-11-64, Mississippi Code of 1972.

141           **SECTION 2.** This act shall take effect and be in force from  
142 and after July 1, 2002.

