HOUSE BILL NO. 902

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

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

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

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

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

(i) That he has successfully completed, or is within sixty (60) days of completion of, a general course of study of law in a law school whether or not such law school is provisionally or fully approved by the section on legal education and admission to the bar of the American Bar Association or any law school which is approved by another state or United States territory to confer a juris doctorate degree and whose graduates are qualified to sit for the bar examination of that state or territory, and that such applicant has received, or will receive within sixty (60) days, a diploma or certificate from such school evidencing the satisfactory completion of such course, but in no event shall any applicant under this paragraph be admitted to the bar until such applicant actually receives such diploma or
certificate. However, an applicant who, as of November 1, 1981,
was previously enrolled in a law school in active existence in
Mississippi for more than ten (10) years prior to the date of
application shall be eligible for examination for admission;
provided that such an applicant graduated prior to November 1,
1984;

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

(iii) That in addition to complying with either of
the above requirements, he has received a bachelor's degree from
an accredited college or university or that he has received credit
for the requirements of the first three (3) years of college work
from a college or university offering an integrated six-year
prelaw and law course, and has completed his law course at a
college or university offering such an integrated six-year course.
However, applicants who have already begun the general course of
study of law as of November 1, 1979, either in a law school or
under the supervision of a Mississippi lawyer shall submit proof
he has successfully completed two (2) full years of college work.

(b) The applicant shall bear the burden of establishing
his or her qualifications for admission to the satisfaction of the
Board of Bar Admissions. An applicant denied admission for
failure to satisfy qualifications for admission shall have the
right to appeal from the final order of the board to the Chancery
Court of Hinds County, Mississippi, within thirty (30) days of
entry of such order of denial.
(3) **Creation of Board of Bar Admissions.** There is hereby created a board to be known as the "Board of Bar Admissions" which shall be appointed by the Supreme Court of Mississippi. The board shall consist of nine (9) members, who shall be members in good standing of the Mississippi State Bar and shall serve for terms of three (3) years. Three (3) members shall be appointed from each Supreme Court district, one (1) by each Supreme Court Justice from his district, with the original appointments to be as follows: Three (3) to be appointed for a term of one (1) year, three (3) to be appointed for a term of two (2) years, and three (3) to be appointed for a term of three (3) years, one (1) from each district to be appointed each year. No member of the Board of Bar Admissions may be a member of the Legislature. Vacancies during a term shall be filled by the appointing justice or his successor for the remainder of the unexpired term.

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

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

(5) **Oath and compensation of board members.** The members of the Board of Bar Admissions shall take and subscribe an oath to be administered by one (1) of the judges of the Supreme Court to faithfully and impartially discharge the duties of the office. The members shall receive compensation as established by the Supreme Court for preparing, giving and grading the examination plus all reasonable and necessary travel expenses incurred in the performance of their duties under the provisions of this section.
(6) **Procedure for applicants who have failed.** Any applicant who fails the examination shall be allowed to take the next scheduled examination. A failing applicant may request in writing from the board, within thirty (30) days after the results of the examination have been made public, copies of his answers and model answers used in grading the examination, at his expense. If a uniform, standardized examination is administered, the board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the board. Any failing applicant shall have a right to a review of his failure by the board. The board shall enter an order on its minutes, prior to the administration of the next bar examination, either granting or denying the applicant's review, and shall notify the applicant of such order. The applicant shall have the right to appeal from this order to the Chancery Court of Hinds County, Mississippi, within thirty (30) days of entry of such order.

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

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

All fees collected by the board shall be paid to the State Treasurer, who shall issue receipts therefor and who shall deposit such funds in the State Treasury in a special fund to the credit of said board. All such funds shall be expended only in accordance with the provisions of Chapter 496, Laws of 1962, as amended, being Section 27-103-1 et seq., Mississippi Code of 1972.
(8) The board, upon finding the applicant qualified for admission, shall issue to the applicant a certificate of admission. The applicant shall file the certificate and a petition for admission in the Chancery Court of Hinds County, Mississippi, or in the chancery court in the county of his residence, or, in the case of an applicant who is a nonresident of the State of Mississippi, in the chancery court of a county in which the applicant intends to practice. The chancery court shall, in termtime or in vacation, enter on the minutes of that court an order granting to the applicant license to practice in all courts in this state, upon taking by the applicant in the presence of the court, the oath prescribed by law, Section 73-3-35, Mississippi Code of 1972.

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

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