

By: Representatives McLean, Owen

To: Judiciary A

HOUSE BILL NO. 1468

1 AN ACT TO AMEND SECTION 73-3-25, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ANY LAWYER FROM ANOTHER STATE WHO ESTABLISHES
3 RESIDENCY IN MISSISSIPPI FOR TWELVE CONSECUTIVE MONTHS AND WHO HAS
4 PRACTICED FOR NOT LESS THAN FIVE YEARS IN A STATE WHERE HE OR SHE
5 IS ADMITTED AND IN GOOD STANDING AND ACTIVE STATUS AND SHALL BE
6 ADMITTED TO PRACTICE IN THIS STATE WITHOUT BEING REQUIRED TO TAKE
7 AN EXAMINATION; TO AMEND SECTION 73-3-2, MISSISSIPPI CODE OF 1972,
8 TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 73-3-25, Mississippi Code of 1972, is
11 amended as follows:

12 73-3-25. Any lawyer from another state * * * who establishes
13 residency in Mississippi for twelve (12) consecutive months, who
14 has practiced not less than five (5) years in a state where he or
15 she was then admitted * * * shall be admitted to * * * practice in
16 this state * * *.

17 Any lawyer from another state desiring to be admitted to
18 practice in Mississippi must make application to the Board of Bar
19 Admissions. Such applicant shall present to the bar evidence of
20 his or her good standing and active status in the state from which
21 he or she came, including a certificate from the clerk of the



22 highest appellate court of the state from which he or she came,
23 and from two (2) members of the bar of such state, certifying to
24 his or her qualifications, good standing and moral character of
25 the applicant, and may require the submission of additional
26 evidence by the applicant. Upon satisfactory proof of the
27 applicant's qualifications and upon the applicant's compliance
28 with the requirements of this section, the board shall issue a
29 certificate of admission to the applicant, as prescribed in
30 Section 73-3-2(8). Each such applicant shall pay an application
31 fee prescribed by the Board of Bar Admissions according to Section
32 73-3-2(7).

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

35 73-3-2. (1) **Power to admit persons to practice.** The power
36 to admit persons to practice as attorneys in the courts of this
37 state is vested exclusively in the Supreme Court of Mississippi.

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

43 (i) That he has successfully completed, or is
44 within sixty (60) days of completion of, a general course of study
45 of law in a law school which is provisionally or fully approved by
46 the section on legal education and admission to the bar of the



47 American Bar Association, and that such applicant has received, or
48 will receive within sixty (60) days, a diploma or certificate from
49 such school evidencing the satisfactory completion of such course,
50 but in no event shall any applicant under this paragraph be
51 admitted to the bar until such applicant actually receives such
52 diploma or certificate. However, an applicant who, as of November
53 1, 1981, was previously enrolled in a law school in active
54 existence in Mississippi for more than ten (10) years prior to the
55 date of application shall be eligible for examination for
56 admission; provided that such an applicant graduated prior to
57 November 1, 1984;

58 (ii) That he has notified the Board of Bar
59 Admissions in writing of an intention to pursue a general course
60 of study of law under the supervision of a Mississippi lawyer
61 prior to July 1, 1979, and in fact began study prior to July 1,
62 1979, and who completed the required course of study prior to
63 November 1, 1984, in accordance with Sections 73-3-13(b) and
64 73-3-15 as the same exist prior to November 1, 1979; or

65 (iii) That in addition to complying with either of
66 the above requirements, he has received a bachelor's degree from
67 an accredited college or university or that he has received credit
68 for the requirements of the first three (3) years of college work
69 from a college or university offering an integrated six-year
70 prelaw and law course, and has completed his law course at a
71 college or university offering such an integrated six-year course.



72 However, applicants who have already begun the general course of
73 study of law as of November 1, 1979, either in a law school or
74 under the supervision of a Mississippi lawyer shall submit proof
75 they have successfully completed two (2) full years of college
76 work.

77 (b) The applicant shall bear the burden of establishing
78 his or her qualifications for admission to the satisfaction of the
79 Board of Bar Admissions. An applicant denied admission for
80 failure to satisfy qualifications for admission shall have the
81 right to appeal from the final order of the board to the Chancery
82 Court of Hinds County, Mississippi, within thirty (30) days of
83 entry of such order of denial.

84 (3) **Creation of Board of Bar Admissions.** There is hereby
85 created a board to be known as the "Board of Bar Admissions" which
86 shall be appointed by the Supreme Court of Mississippi. The board
87 shall consist of nine (9) members, who shall be members in good
88 standing of the Mississippi State Bar and shall serve for terms of
89 three (3) years. Three (3) members shall be appointed from each
90 Supreme Court district, one (1) by each Supreme Court Justice from
91 his district, with the original appointments to be as follows:
92 Three (3) to be appointed for a term of one (1) year, three (3) to
93 be appointed for a term of two (2) years, and three (3) to be
94 appointed for a term of three (3) years, one (1) from each
95 district to be appointed each year. No member of the Board of Bar
96 Admissions may be a member of the Legislature. Vacancies during a



97 term shall be filled by the appointing justice or his successor
98 for the remainder of the unexpired term.

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

102 (4) **Written examination as prerequisite to admission.**

103 Except as otherwise provided in Section 73-3-25, every person
104 desiring admission to the bar, shall be required to take and pass
105 a written bar examination in a manner satisfactory to the Board of
106 Bar Admissions. The Board of Bar Admissions shall conduct not
107 less than two (2) bar examinations each year.

108 (5) **Oath and compensation of board members.** The members of
109 the Board of Bar Admissions shall take and subscribe an oath to be
110 administered by one (1) of the judges of the Supreme Court to
111 faithfully and impartially discharge the duties of the office.
112 The members shall receive compensation as established by the
113 Supreme Court for preparing, giving and grading the examination
114 plus all reasonable and necessary travel expenses incurred in the
115 performance of their duties under the provisions of this section.

116 (6) **Procedure for applicants who have failed.** Any applicant
117 who fails the examination shall be allowed to take the next
118 scheduled examination. A failing applicant may request in writing
119 from the board, within thirty (30) days after the results of the
120 examination have been made public, copies of his answers and model
121 answers used in grading the examination, at his expense. If a



122 uniform, standardized examination is administered, the board shall
123 only be required to provide the examination grade and such other
124 information concerning the applicant's examination results which
125 are available to the board. Any failing applicant shall have a
126 right to a review of his failure by the board. The board shall
127 enter an order on its minutes, prior to the administration of the
128 next bar examination, either granting or denying the applicant's
129 review, and shall notify the applicant of such order. The
130 applicant shall have the right to appeal from this order to the
131 Chancery Court of Hinds County, Mississippi, within thirty (30)
132 days of entry of such order.

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

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

143 All fees collected by the board shall be paid to the State
144 Treasurer, who shall issue receipts therefor and who shall deposit
145 such funds in the State Treasury in a special fund to the credit
146 of said board. All such funds shall be expended only in



147 accordance with the provisions of Chapter 496, Laws of 1962, as
148 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

149 (8) The board, upon finding the applicant qualified for
150 admission, shall issue to the applicant a certificate of
151 admission. The applicant shall file the certificate and a
152 petition for admission in the Chancery Court of Hinds County,
153 Mississippi, or in the chancery court in the county of his
154 residence, or, in the case of an applicant who is a nonresident of
155 the State of Mississippi, in the chancery court of a county in
156 which the applicant intends to practice. The chancery court
157 shall, in termtime or in vacation, enter on the minutes of that
158 court an order granting to the applicant license to practice in
159 all courts in this state, upon taking by the applicant in the
160 presence of the court, the oath prescribed by law, Section
161 73-3-35, Mississippi Code of 1972.

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

165 **SECTION 3.** This act shall take effect and be in force from
166 and after July 1, 2022.

