

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2012

***In the Matter of the Amendments to the)
Rules and Procedures Governing)
Admission to the Practice of Law)***

**ORDER AMENDING THE RULES AND PROCEDURES
GOVERNING ADMISSION TO THE PRACTICE OF LAW**

This matter came before the Court upon a recommendation from the Wyoming Board of Law Examiners. After a careful review of the proposed amendments to Rules and Procedures Governing Admission to the Practice of Law, this Court finds that the Rules should be amended to permit Wyoming to become a Uniform Bar Examination jurisdiction, effective upon the July 2013 administration of the bar examination. It is, therefore,

ORDERED that the amendments to the Rules and Procedures Governing Admission to the Practice of Law, attached hereto, are adopted by the Court to be effective immediately. The amendments to Rule 211 immediately below shall apply to only the February 2013 administration of the bar examination. The amendments located below the initial Rule 211 shall apply to the July 2013 administration of the bar examination and to those bar examinations administered thereafter; and it is further

ORDERED that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall thereafter be spread at length upon the journal of this Court; and it is further

ORDERED that the Board of Law Examiners shall provide a copy of this order to all individuals who have applied to take the February 2013 bar examination and to those individuals who notify of their intent to re-take the Wyoming Bar Examination in February of 2013.

DATED this 14th day of December, 2012.

BY THE COURT:

/s/

**MARILYN S. KITE
Chief Justice**

Rules and Procedures Governing Admission to the Practice of Law

Rule 211. Examination Scores and Notification of Results. [Effective for only the February 2013 administration of the bar exam.]

(a) The Wyoming Bar Examination shall consist of three parts: 1) the ~~Wyoming Essay~~ Multistate Essay Exam (MEE), graded by or under the direction of the Board, which shall pass upon the merits of the answers submitted; 2) the Multistate Professional Responsibility Examination (MPRE); and, 3) the Multistate Bar Examination (MBE).

(b) The Board shall require each applicant to pass the MPRE with a scale score of 75 or greater, prior to certifying the applicant as eligible for admission to the practice of law. The passing score on the MPRE must be obtained not more than three years prior to or not more than one month after the exam session in which an applicant obtains a passing score on the Wyoming ~~Bar Essay~~ Examination to be eligible for admission.

~~(c) The Board shall further require that an applicant achieve an average score of 70 or higher on the overall Wyoming Essay part of the examination and achieve a grade of 70 or higher on at least six out of ten essay questions. The MEE portion of the Wyoming Bar Examination consists of six essay questions developed by the National Conference of Bar Examiners (NCBE). The questions are graded using generally applicable principles of law. There are no Wyoming law specific questions on the exam. The MEE will be graded and scaled with the assistance of the NCBE.~~

~~(d) The Board shall further require each applicant to pass the MBE with a scale score of at least 130, provided the score is obtained in this or another jurisdiction on the test administered either the day before or the day after the administration of the Wyoming essay for which the applicant obtains a passing score in Rule 211(e). The applicant's MEE scaled score and MBE scaled score will be added to calculate a total score. The MEE and MBE will be weighted equally in calculating total scores. Except as stated in Rule 211(e)(1), applicants must achieve a total score of 270 (of a possible 400) or higher to pass the Wyoming Bar Examination.~~

~~(e)(1) An applicant who, in the three years preceding the February 2013 Bar Examination, has achieved an overall average score of 70 or higher on the Wyoming essay examination and has received a passing grade of 70 or higher on at least six out of ten questions will be exempt from further taking the essay (MEE) part of the February 2013 Wyoming Bar examination for a three-year period. Such applicant must achieve a scaled score of at least 135 to pass the Wyoming Bar Examination. That MBE score may be obtained in this or another jurisdiction.~~

~~(2) An applicant who, in the three years preceding the February 2013 Bar Examination, receiveds a scale score of 130 or above on the MBE will, if the applicant chooses, be exempt from the further taking of the MBE portion of the February 2013 Bar Examination for a three-year period. An applicant who, in the three years preceding the February 2013 Bar Examination, receiveds a scale score of 130 or above on the MBE administered in another jurisdiction may~~

direct transfer of the score through the testing agency or NCBE to Wyoming and be exempt from further taking of the MBE portion of the February 2013 Bar Examination for a three-year period. For those applicants using a prior MBE score for the February 2013 Bar Examination, the applicant's February 2013 MEE scaled score and prior MBE scaled score will be added to calculate the applicant's total score. Such applicants must achieve a total score of 270 or higher to pass the February 2013 Wyoming Bar Examination.

~~(f) Prior to identifying the applicants who have passed or failed the examination, the Board shall regrade essay examinations of applicants which have an average score of at least 68 but less than 70. Any regrading of examinations after identification of the applicants and the release of grades is prohibited. An applicant who is registered to take the February 2013 Wyoming Bar Examination and who instead takes the Uniform Bar Examination (UBE) in another jurisdiction may direct transfer of the UBE score through NCBE and be exempt from taking the MEE and MBE in the February 2013 Wyoming Bar Examination. To pass the Wyoming Bar Examination, such applicants must achieve a UBE total score of 270 or higher. Such applicant must still meet all other requirements for eligibility to be admitted to the Wyoming State Bar.~~

(g) The Board shall notify the Supreme Court of the results of the examination upon completion of the grading ~~process of the essay part of the exam~~ and receipt of results from the ~~MBE and~~ the MPRE from the respective reporting agencies. The Supreme Court shall notify each bar applicant whether the applicant passed the examination as promptly as feasible, but may withhold notification to an applicant in the event of a continuing or incomplete character and fitness review. Applicant grades shall not be disclosed to any person other than the applicant except that: (1) upon written request of an applicant the Board may disclose the applicant's scale ~~and raw~~ MBE scores to the bar examining authority of any United States jurisdiction; (2) the Board may compile and disseminate passage rate reports as directed or approved by the Supreme Court; and (3) upon request, the Board shall provide to the National Conference of Bar Examiners and the dean of the applicant's law school, or his/her designee, statistical detail for each applicant taking the Wyoming Bar exam. This statistical detail shall include: applicant name, pass/fail status on the bar exam, and the number of times the applicant has taken the Wyoming bar exam. The applicant's law school shall maintain the confidential nature of the exam information except for release of aggregated exam statistics for ABA-accreditation purposes.

Rule 204. Examinations. [Effective beginning with the July 2013 administration of the bar exam.]

(a) The Board shall conduct two examinations each year, one in February and one in July, each of which shall be held in such location as the Board may designate at least 90 days in advance of the examination. No less than 60 days prior to the exam, the Board shall notify applicants of the location of the exam. Each exam shall be conducted so as to coincide with the administration of the ~~Multistate~~ Uniform Bar Examination prepared by the National Conference of Bar Examiners (NCBE).

~~(b) The Wyoming Bar Examination shall be administered in two parts, one of which shall consist of essay questions prepared or approved by the Board. Subjects from which questions may be drawn will be announced to applicants upon approval of their application. After the examination has been held, the questions prepared by the Board may, at its discretion, be made public by the Board in such a manner and to such an extent as it deems proper.~~

~~(c) The second part of the examination shall be the Multistate Bar Examination prepared and graded under the direction of the National Conference of Bar Examiners. Questions on the Multistate Bar Examination shall not be made public in any manner unless authorized by the National Conference of Bar Examiners.~~

(b) Wyoming is a Uniform Bar Examination jurisdiction. The Wyoming Uniform Bar Examination (UBE) consists of three parts: the Multistate Essay Exam (MEE), the Multistate Performance Test (MPT) and the Multistate Bar Exam (MBE).

(c) The MEE and the MPT are administered on one day. The MEE portion of the UBE consists of six essay questions developed by the NCBE. The questions are graded using generally applicable principles of law. There are no Wyoming law specific questions on the exam. Three hours is allocated to answer the six essay questions. The MPT consists of two, ninety-minute questions developed by the NCBE. A total of three hours is allocated to answer two MPT questions. The MPT questions are designed to test skills commonly used by lawyers practicing law competently. These skills generally include, but are not limited to, the following: Legal Analysis, Fact Analysis, Awareness of Professional Responsibility, Problem Solving, Research Skills, and Writing Skills.

(d) The MBE is administered in one day. The MBE is a 6-hour, 200-question multiple-choice test developed by the NCBE. The MBE is divided into a 3-hour morning session and a 3-hour afternoon session.

Rule 211. Examination Scores and Notification of Results. [Effective beginning with the July 2013 administration of the bar exam.]

(a) The Wyoming Bar Examination is the Uniform Bar Examination (UBE), which consists of the Multistate Essay Exam (MEE), the Multistate Performance Test (MPT), and the Multistate Bar Exam (MBE). See Rule 204.

(b) The Board shall require each applicant to pass the Multistate Professional Responsibility Examination (MPRE) with a scale score of 85 or greater, prior to certifying the applicant as eligible for admission to the practice of law. The passing score on the MPRE must be obtained not more than three years prior to or not more than one month after the exam administration in which an applicant obtains a passing score on the UBE taken in Wyoming.

(c) The UBE given in Wyoming shall be prepared and graded with the assistance of the National Conference of Bar Examiners (NCBE). In order to pass the Wyoming Bar Exam, an

examinee must achieve a UBE total score of 270 points (of a possible 400). The formula for determining the total UBE score is: MBE Scaled Score + MEE/MPT Scaled Score = UBE Total Score.

(d) Scoring-MBE. Raw MBE scores (the number of questions correctly answered) are converted to scale scores by the NCBE by use of a formula designed to make scores comparable from one exam administration to another. The MBE is weighted as 50% of the UBE total score.

(e) Scoring-MEE/MPT: The combined MEE/MPT raw scores are converted to scale scores by the NCBE by use of a formula designed to make scores comparable from one exam to another. The MEE and MPT are weighted together as 50% of the UBE total score, with the MEE worth 30% and the MPT worth 20%.

(f) Transfer of UBE scores. An applicant must sit for the entire UBE in the same exam administration to earn a portable UBE score. Wyoming does not accept MBE score transfers from other jurisdictions or from previous examinations for purposes of waiving the MBE portion of the exam. An applicant who takes the UBE in another jurisdiction may direct transfer of the UBE score pursuant to Rule 306 and be exempt from taking the UBE in Wyoming. To pass the Wyoming Bar Examination, such applicants must achieve a UBE total score of 270 or higher. Such applicant must meet all other requirements for eligibility to be admitted to the Wyoming State Bar.

(g) The Board shall notify the Supreme Court of the results of the examination upon completion of grading and the scaling process by the NCBE and after receipt of results from the MPRE. The Supreme Court shall notify each bar applicant whether the applicant passed the examination and of the applicant's scores as promptly as feasible following the Board's recommendation pursuant to Rule 213. Applicant scores shall not be disclosed to any person other than the applicant except that: (1) upon written request of an applicant the Board may disclose the applicant's scale UBE scores to the bar examining authority of any United States jurisdiction; (2) the Board may compile and disseminate passage rate reports as directed or approved by the Supreme Court; (3) to NCBE to calculate examination scores and transfer the applicant's UBE scores or MBE scores to other U.S. jurisdictions upon the applicant's request; and (4) upon request, the Board shall provide to the National Conference of Bar Examiners and the dean of the applicant's law school, or his/her designee, statistical detail for each applicant taking the Wyoming Bar exam. This statistical detail shall include: applicant name, pass/fail status on the bar exam, and the number of times the applicant has taken the Wyoming bar exam. The applicant's law school shall maintain the confidential nature of the exam information except for release of aggregated exam statistics for ABA-accreditation purposes.

Rule 212. Review of Examination Answers.

An applicant who fails the exam may inspect the applicant's answers along with a copy of the MEE and MPT essay examinations and the model answers following the exam at the office of the Bar ~~with the exception of questions and answers on those portions of any examination prepared by or under the supervision of the National Conference of Bar Examiners.~~ Any other review of examination answers shall be subject to NCBE rules.

SECTION III. ADMISSION ON MOTION OR BY TRANSFER OF UBE SCORE

Rule 301. General Provision.

The Board may recommend to the Court admission without examination in Wyoming of those attorneys who satisfy the criteria described in Rule 302 or Rule 306, below.

Rule 306. Admission by Transfer of Uniform Bar Examination Score.

(a) UBE transfer applicants are those applicants who have taken the Uniform Bar Examination (UBE) in another jurisdiction. It is the applicant's sole responsibility to contact the National Conference of Bar Examiners (NCBE) to initiate steps for the transfer of the applicant's UBE score.

(b) Eligibility. A UBE transfer applicant may be admitted without further examination if the applicant earned a score that is passing under the scoring requirements contained in Rule 211(c). The applicant's UBE score must be earned at an examination that was conducted less than three years prior to application for admission. A score is considered to have been earned on the date of administration of the UBE that resulted in the score. An applicant who failed to earn the score required by Rule 211(c) in four or fewer attempts, regardless of where the UBE was taken, shall not be eligible for admission by transfer of UBE score. The UBE transfer applicant must also meet the eligibility requirements contained in Rule 302(a),(b),(e),(f),(h),(j), and (k).

(c) An application for admission by transfer of UBE score shall consist of two parts:

- (1) a questionnaire and affidavit for applicants seeking transfer of UBE score prescribed or approved by the Board; and
- (2) a character investigation performed by or for the National Conference of Bar Examiners.

(d) The questionnaire and affidavit prescribed or approved by the Board shall be submitted with all supporting data required by the Board to determine eligibility under this rule. Supporting data shall include proof the applicant has passed the Multistate Professional Responsibility Exam with the score required by Rule 211(b).

(e) Applications filed pursuant to this rule shall be subject to the provisions of Rule 305. However, the last sentence of Rule 305(b) does not apply to applications filed pursuant to this Rule 306.

(f) Applicants admitted pursuant to this Rule 306 shall be required to complete the continuing legal education requirements for new admittees set out in Rule 4(b) of the Rules of the Wyoming State Board of Continuing Legal Education.
