



## BOARD OF BAR EXAMINERS & COMMISSION ON CHARACTER & FITNESS OF THE SUPREME COURT OF THE STATE OF MONTANA

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### GUIDE TO MONTANA BAR ADMISSIONS

*The following information is a brief summary of the process for admission to the State Bar of Montana and any variation in the information will defer to the [Rules of the Board of Bar Examiners](#), [Rules of Admission](#) and the [Rules of the Character & Fitness Commission](#).*

The Commission on Character and Fitness and the Board of Bar Examiners were created by the Supreme Court to oversee admission of new attorneys to the State Bar of Montana. The Bar Admissions Administrator works for both of these groups and is administratively connected to the State Bar of Montana. The information below is designed to help you complete the application for admission to the State Bar of Montana.

#### THE CHARACTER AND FITNESS COMMISSION

The Montana Rules of Admission require that you are certified by Montana's Character & Fitness Commission before you can sit for the bar exam or be admitted to the Montana Bar. The NCBE performs a background investigation on behalf of the Commission, but does not determine certification for admission to the Montana Bar. The Commission will not certify you for admission until receipt of the NCBE investigative summary, which takes at least 90 days after submission of your application. Therefore, it is critical you respond to requests for information from both the Bar Admissions Administrator and the NCBE as quickly as possible as failure to do so will delay your certification. Incomplete applications will not be considered and complete applications do not assume certification.

"Certification" as used in the Rules of the Character & Fitness Commission refers to permission to sit for the Montana bar examination and be admitted to the practice of law in Montana. Your certification to sit for the exam or be admitted by transferred UBE score will be determined by the Commission on Character and Fitness after a thorough review of your application and findings of the Commission's investigation. You have an ongoing responsibility to keep your application current. This includes, but is not limited to, any changes to the application previously submitted, such as changes in employment, address, and most notably, any matter relating to character & fitness. Certification letters are typically mailed by hard copy thirty days prior to the examination. No applicant may sit for the exam or be admitted to the State Bar of Montana until they have received certification from the Character & Fitness Commission. Failure to provide a complete application to the Montana Bar and to the NCBE in a timely manner may delay or prevent certification. Certification may be delayed or revoked by the Commission at any time prior to admission.

#### THE APPLICATION PROCESS:

- All applications must be completed using the [National Conference of Bar Examiner's Character & Fitness Application](#). There is no separate application for Montana.
- Follow the instructions on the [Application Checklist](#) carefully. Two original applications must be mailed by the application deadline with the [Application Cover Page](#) and supporting documents and fees.
- Applications must be postmarked by March 15 for the July exam and October 1 for the February exam. You are welcome to send your supporting documents ahead of your application and the materials will be held until your application is received. Notify Bar Admissions staff at (406)447-2210 or (406)447-2204 if you cannot obtain all supporting documents in time to send them with the application; however, you will not be certified to sit for the exam unless your file is complete, so start requesting your documentation as early as possible.
- Once your application has been reviewed, you will be contacted (usually by e-mail) to advise whether your file is complete or if documents are missing. You will also be provided with a memo that includes the exam schedule, examinee instructions, laptop and exam payment deadlines, etc.
- Become familiar with the [information provided on the Admissions link](#) on the State Bar's website ([www.montanabar.org](http://www.montanabar.org)). It is updated regularly and has links to the rules, forms and payment of fees.

## SUPPORTING DOCUMENTS:

A number of documents are required to be submitted with your application. The [Application Checklist](#) identifies which of these documents need to be supplied to the NCBE with your application and which need to be provided to the State Bar. Some documents may take time to acquire, so request them early; documents may arrive separately if mailed from a third-party. Incomplete applications will delay certification from the Character & Fitness Commission and may require the applicant to defer to the next scheduled admissions cycle.

## INVESTIGATION PROCESS:

- 1) The initial review is done by the Bar Admissions Administrator (BAA). If there are concerns, the file is referred to the Counsel for the Commission and/or a subcommittee of the Character & Fitness Commission.
- 2) The subcommittee reviews all information provided by the applicant, the NCBE investigation summary, and any other source it deems necessary to make a determination for certification. The subcommittee may request additional information, an independent evaluation, or further documentation from the applicant.
- 3) The subcommittee then advises the BAA of their decision to either certify the applicant unconditionally or conditionally, to request additional information or to deny the applicant.
- 4) A conditional admittee is granted admission under the terms of a stipulated agreement to meet certain requirements. The term of the conditional admission is typically 3 years, but can be extended or terminated by the Commission.
- 5) If an applicant is denied by the subcommittee, the applicant has an opportunity to provide an answer.
- 6) The applicant's file and answer as well as the subcommittee's reason for denial are then referred to the remaining members of the Commission for review and determination of certification.
- 7) If the remaining members decide to deny certification, the applicant may request a hearing before the full Commission.
- 8) This is a simplified explanation of the process outlined in the [Rules of Procedure of the Commission on Character and Fitness](#), which are the definitive resource for all matters involving certification for admission.

## SCORE TRANSFERS

It is the APPLICANT'S SOLE RESPONSIBILITY to have previous examination scores certified to the Bar Admissions Administrator.

**UBE Score:** A UBE score is a requirement for admission to the State Bar of Montana. Applicants who have earned a UBE score and are seeking to transfer the score to Montana must request a UBE score transfer from the NCBE to Montana. More [information about the UBE](#) and a link to request transcript services is available on the NCBE website.

**MPRE Score:** To qualify for admission, an applicant must obtain a MPRE scaled score of 80 or higher from any testing site within three years prior to taking the Montana Bar Examination or no later than nine months after notification of successful completion of the Montana Bar Examination. UBE transfer applicants and Admission on Motion applicants must submit evidence of a score of 80 or higher on the MPRE, earned within 3 years of the date of their Montana Application. Montana does not administer the MPRE, but [information about the MPRE](#) is available on the NCBE website.

## MONTANA LAW SEMINAR

All applicants, whether by transferred UBE score or by examination, must register and attend the [Montana Law Seminar \(MLS\)](#), which is offered the Thursday following the February and July bar exam. The Montana Law Seminar is a Supreme Court mandated course that will focus on the structure of the legal system in Montana, the unique aspects of Montana law and the accepted mores and culture of practicing law in Montana. The Seminar is directed specifically to those seeking admission to the Bar, and only those who are applying or intend to apply for admission to the State Bar of Montana are eligible to attend. The MLS is not classified as a CLE program, nor will CLE credits be awarded in Montana. An applicant may delay attendance at the MLS, but may not be admitted to the Montana Bar until attendance at the Seminar has been confirmed. Dress is casual. **Attendance at the MLS is a prerequisite to admission.**

## **DEFERRALS, WITHDRAWALS & NO SHOWS**

**Deferral:** If you are unable to sit for the examination or attend the Montana Law Seminar, you are required to submit a written addendum to your application requesting a deferral. The rules allow applicants to defer to the next UBE or MLS only. After three deferrals, an applicant must submit a new application and pay the application-filing fee. If an applicant fails to appear for the UBE or MLS without first completing an [Addendum/Deferral form](#), the application will be dismissed and the applicant will be required to file a new application with the application fee. [Find the form and pay the fee online.](#) An applicant may also choose to withdraw an application for admission, in writing, pursuant to the [Rules of Admission](#).

## **ADMISSION ON MOTION TO THE SUPREME COURT OF MONTANA**

Applicants for Admission on Motion must comply with the requirements set forth in [Rules For Admission to The Bar of Montana](#) and submit the documents outlined on the Montana Application Checklist. Upon completion of the eligibility requirements, letters confirming the applicant is certified for admission will be sent to both the applicant and the Court. A copy of the certification letter must accompany an original and 7 copies of your Motion to the Court. The motion and the swearing-in process are under the authority of the Supreme Court and questions should be directed to the [Office of the Montana Clerk of the Supreme Court](#).

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## **THE BOARD OF BAR EXAMINERS**

### **REQUESTS FOR TESTING ACCOMMODATION:**

Reasonable testing accommodations will be made on the Montana Bar Examination for qualified applicants with disabilities. A qualified applicant with a disability who is otherwise eligible to take the bar examination, but who cannot demonstrate under standard testing conditions that he/she possesses the knowledge and skills to be admitted to the Montana Bar, may request reasonable test accommodations. The Board of Bar Examiners will provide reasonable accommodations, so long as the modifications do not result in a fundamental alteration to the examination, impose an undue burden, or jeopardize examination security.

A [Request for Testing Accommodation](#) for the bar examination must be submitted with supporting evidence by the deadline for application for the relevant bar examination. Requests for accommodations not submitted by the application deadline will not be considered, except where the disability occurs after the application filing deadline. Each examination requires a separate request and a determination by the Board of Bar Examiners on whether or not to grant the accommodation requested or to offer an alternative accommodation.

### **NURSING MOTHERS SEEKING ACCOMMODATION:**

Although breastfeeding is not defined as a disability by the ADA, and is not to be considered one for purposes of granting accommodations, the Board will afford breastfeeding applicants accommodations in a manner consistent with public policy and law. Any breastfeeding applicant seeking such an accommodation shall submit a letter request for breastfeeding accommodation to the Bar Admissions Administrator by the filing deadline for the relevant Uniform Bar Examination administration stating the type of accommodation desired. The applicant need not submit the request for breastfeeding accommodations on the form otherwise required for a disability-based accommodation. A doctor's statement need not be submitted with the request but may be asked for by the Board at a later date. The request for breastfeeding accommodations should include documentation of the child's date or expected date of birth. Individual accommodations may vary, in the Board's discretion, depending upon each applicant's request or circumstances and whether such accommodations are medically necessary for the health of the applicant or the infant. For additional information, please see: [Rules of the Board of Bar Examiners](#) (Rule 104, subsection F).

### **THE UBE/MLS SCHEDULE:**

The Montana Bar exam is always held the last Tuesday and Wednesday of February and July.

Tuesday - the Multistate Essay in the morning and the Multistate Performance Test in the afternoon.

- The MEE is a 3-hour exam with 6 questions.
- The MPT is a 3-hour exam with 2 questions.

Wednesday - the MBE consisting of 200 multiple-choice questions.

Thursday – the Montana Law Seminar (in person attendance required)

## **UBE & MLS FEES**

All certified applicants must have their examination and Montana Law Seminar fees paid in full by the deadlines provided by the Bar Admissions Administrator. These fees are for administration of the UBE and MLS **and are separate from and in addition to the application fees** you paid with your original application. [Fees can be paid online](#), by check or by calling the Bar Admissions Administrator at (406) 447-2204 with credit card information.

## **LAPTOP OR HANDWRITE?**

All essay answers (the MEE and MPT) may be handwritten in blue books that we provide or by using a laptop pre-registered with ExamSoft's SofTest™ software. There is a separate fee payable to [ExamSoft](#) for using your laptop, but it is completely voluntary and any examinee may choose to handwrite their exam rather than use a laptop. A laptop examinee may choose to handwrite once the exam begins, but a hand-writer cannot decide to use a laptop after laptop registration has closed. ALL examinees who utilize the laptop option should be prepared to hand write in case of power outages or laptop problems.

## **UNIFORM BAR EXAMINATION – EXAM CONTENT**

**The Uniform Bar Examination (UBE)** consists of three separate exam components administered together in a single exam administration; six MEE questions, two MPT items, and the MBE. All three exams are developed by the National Conference of Bar Examiners (NCBE) and are uniformly administered, graded, and scored by user jurisdictions resulting in a portable score. The NCBE provides excellent information, study aids and preparation information regarding each of these exams.

The Multistate Essay Examination (MEE) is developed as a six-question essay test to be administered in one three-hour test session. The purpose of the MEE is to test the examinee's ability to (1) identify legal issues raised by a hypothetical factual situation; (2) separate material which is relevant from that which is not; (3) present a reasoned analysis of the relevant issues in a clear, concise, and well-organized composition; and (4) demonstrate an understanding of the fundamental legal principles relevant to the probable solution of the issues raised by the factual situation. The particular areas covered on the MEE vary from exam to exam, and valuable [MEE information and preparation material](#) are available on the NCBE website.

The Multistate Performance Test (MPT) is a three-hour examination, with two 90-minute skills questions covering legal analysis, fact analysis, problem solving, resolution of ethical dilemmas, organization and management of a lawyering task, and communication. The MPT is designed to test an examinee's ability to use fundamental lawyering skills in a realistic situation. Each test evaluates an examinee's ability to complete a task that a beginning lawyer should be able to accomplish. [Information and study aides for the MPT](#).

The Multistate Bar Examination (MBE) is a 200-question multiple-choice test that is administered in two three-hour test sessions. The purpose of the MBE is to assess the extent to which an examinee can apply fundamental legal principles and legal reasoning to analyze given fact patterns. The exam is divided into morning and afternoon testing sessions of three hours each, with 100 questions in each session. The questions on the MBE are distributed between the following topics: constitutional law, contracts, criminal law and procedure, evidence, real property and torts. Subject matter outlines and more [information on the MBE](#) can be found on the NCBE's website.

## **GRADING & SCORING**

The MEE and MPT answers will be [graded on a scale of zero to six](#), with six being the highest qualifying score and zero being the lowest possible score. The essays are graded by the Montana Board of Bar Examiners, with the assistance of experienced outside grader(s) as necessary. The scores from each segment of the exam will be converted to the 400-point UBE scale and combined with the MBE scaled scores. The MEE and MPT scores are scaled to the MBE, with the MBE weighted 50%, the MEE 30%, and the MPT 20%. The lowest passing combined score for Montana is 266.

*NOTE: The application and investigation process is confidential and the Board of Bar Examiners does not know the identities of applicants until after pass/fail decisions are final.*

## **RESULTS**

**Test Results** will be sent by US Mail within 8 weeks to the last known address we have on file for you. Those who pass the exam will receive instructions for swearing-in and admission. If you do not pass the exam, you need not

reapply but may request copies of your graded MEE and MPT exams grading information and instructions for retaking the next scheduled exam. Applicants who need to retake the exam must submit a deferral for re-examination and will need to pay the fee for the UBE, but will not need to pay for or attend the Montana Law Seminar a second time.

**FOR ADDITIONAL INFORMATION:**

The Rules of the Montana Board of Bar Examiners, Character & Fitness Commission Rules and the Rules of Admission are the definitive source of information regarding the Bar Examination and admission to the Bar. Information and study guides specific to the Uniform Bar Examination or the separate components (the MEE, MPT and MBE) can be found on the NCBE website at <http://www.ncbex.org>. Additional information and links to Rules are available on the [Admissions page of the State Bar's website](#). Questions regarding the application or admission may be directed to Kathie Lynch, the Bar Admissions Administrator, by phone at (406) 447-2210 or email to [klynch@montanabar.org](mailto:klynch@montanabar.org).