

**BOARD OF BAR EXAMINERS RULES OF PRACTICE
GOVERNING ADMISSION ON EXAMINATION AND BY
TRANSFERRED UNIFORM BAR EXAMINATION SCORE**

**ADOPTED BY THE BOARD PURSUANT TO ARTICLE II, RULE 6 OF THE
SUPREME COURT RULES AND APPROVED BY THE COURT ON MAY 29, 2015.
(AS AMENDED BY THE COURT ON OCTOBER 16, 2015; JANUARY 25, 2016;
MARCH 5, 2019.)**

1. COMPOSITION AND SCOPE OF THE BOARD OF BAR EXAMINERS.

- a. Powers and Duties of the Board.** The Board of Bar Examiners (the “Board”) shall have the duties and powers set forth in Article II, Rule 6(b) of the Rhode Island Supreme Court Rules (the “Court Rules”).
- b. Members.** Members of the Board shall be appointed and serve terms in accordance with Article II, Rule 6(a) of the Supreme Court Rules, or as otherwise ordered by the Rhode Island Supreme Court (the “Court”).
- c. Chair.** The Board shall elect a Chair from its own membership to serve a two (2) year term commencing in the January of odd-numbered years. Elections shall be held during the second year of the current Chair’s term at the Board’s annual fall meeting. Members eligible for election shall have been members for three (3) years from the date of their appointment to the Board.
- d. Meetings.** The Board shall hold regular meetings at a time and place to be determined by the Board. Special meetings may be held upon reasonable notice at such time and place to be determined by the Chair. Six (6) members shall constitute a quorum of the Board. A majority of the members present at a meeting at which a quorum is present shall be required for action by the Board.
- e. Committee on Character and Fitness Member.** Pursuant to Article II, Rule 4(b)(1) of the Supreme Court Rules, one (1) member of the Board, to be selected by the Board and approved by the Court, shall serve as a member of the Committee on Character and Fitness (the “Committee”). The designated Board member shall be subject to the term limits for members of the Committee set forth in Article II, Rule 4(b)(4).
- f. Compensation and Expenses.** As set forth in Article II, Rule 6(a), members of the Board shall serve without compensation. Any expenses or costs incurred by the Board, its agents or employees in discharging their duties shall be paid by the Court.
- g.** To avoid confusion with reference to the Rules of Admission set forth in Article II of the Supreme Court Rules, these Board Rules of Practice shall be referred to and cited as “Rules of Practice” or “Practice Rules.”

- h.** These Rules of Practice set forth the requirements for admission to the Rhode Island Bar pursuant to Article II, Rules 1 (Admission on Examination), 1B (Admission on Transferred UBE Score), and 2(a) (Attorney admission on examination).

2. RULE 1 APPLICANT - ADMISSION ON EXAMINATION.

- a. General.** This Section sets forth the rules governing admission to practice law in Rhode Island on examination pursuant to Article II, Rule 1 of the Supreme Court Rules. Except for those individuals who meet the limited exceptions set forth in Article II, Rules 1B and 2(b) – (e), all persons seeking admission to the Rhode Island Bar shall be required to apply for, sit, and pass the Rhode Island Bar Examination as administered by the Board.

- b. Petition for Admission to the Rhode Island Bar.** Every person applying for admission to the Rhode Island Bar upon examination under Article II, Rule 1 shall electronically file, under oath, with the Supreme Court the Petition for Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal (the “RISCAP”) and shall satisfy the Board that he/she has met all requirements set forth in Rule 1 and as further set forth herein.

- i.** Prerequisites for Article II, Rule 1 Applicants. Petitions received from persons who have not first met the following requirements shall be rejected:

- 1)** The applicant shall meet the requirements set forth in Article II, Rule 1(a), (b), (c) and (d) of the Supreme Court Rules:

- (a) *Citizenship.*** All applicants shall be citizens of the United States or legal residents, of good character.

- (b) *Age.*** All applicants shall be at least twenty-one (21) years of age.

- (c) *Law Study.*** All applicants shall have graduated and received a law degree from a law school accredited and approved by the American Bar Association (ABA) and approved by the Board. By submitting an application, the applicant attests to the fact that he/she has graduated with a Juris Doctor degree from an ABA accredited and approved law school.

- (d) *Past Bar Examination Results.*** No person who has failed five (5) or more bar examinations, whether in Rhode Island or in any combination of states, districts, and territories of the United States, will be permitted to take the Rhode Island Bar Examination, and no special order excepting any such person from this five (5) examination limit will be granted by the Court. Failure to achieve a score of 276 on any administration of the Uniform Bar Examination (“UBE”) in any jurisdiction constitutes a failed bar examination for purposes of this rule.

2) *Multistate Professional Responsibility Examination.* All applicants shall be required to have achieved a scaled score of not less than 80 on the Multistate Professional Responsibility Examination (“MPRE”) within the five (5) years prior to the application deadline for the Rhode Island Bar Examination. Scores achieved on a MPRE taken more than five (5) years prior to the application deadline shall not be accepted. Applicants shall have their official MPRE Score Report forwarded to the Clerk on or before filing a Petition for Admission to the Rhode Island Bar except that scores from the November MPRE may be forwarded to the Clerk after the filing of a Petition to take the February bar examination. Applicants submitting an MPRE score from the November MPRE must achieve a passing score on the November MPRE in order to sit for the February bar examination and no waiver of this requirement will be entertained by the Board. MPRE scores shall be forwarded to the Clerk directly by the National Conference of Bar Examiners (the “NCBE”) and not the applicant.

For applicants who have deferred application from a previous bar examination or who are applying to retake the bar examination pursuant to Practice Rule 2(f), the application deadline for the respective examination shall be used to determine the continued validity of MPRE scores.

3) All prerequisites for admission must be satisfied as of the application deadline, must be satisfied throughout the pendency of a Petition for Admission, and must be satisfied as of the applicable application deadline for the next examination if an applicant has deferred his/her Petition or is retaking the examination.

ii. Petition. The Petition for Admission to the Rhode Island Bar shall include all filing fees and supporting documents required therewith (collectively, the “Petition”).

Petitions to sit for the February bar examination shall be filed between October 1 and December 1 of the next preceding year. Petitions to sit for the July bar examination shall be filed between March 1 and May 1 of the year in which the applicant seeks to take the examination.

Petition filing deadlines are strictly enforced. The filing deadline for applicants retaking the bar examination pursuant to Practice Rule 2(f) may be extended by the Board if necessary due to the results release date of the prior examination. Petitions must be filed by 11:59 pm on the date of the filing deadline to be deemed timely.

iii. Petition, Fees, and Supporting Documents. No Petition shall be accepted unless (1) it includes a completed Petition, (2) all required supporting documentation, (3) all required fees paid in full, and (4) it includes any and all testing accommodation request forms and supporting documentation as set forth in subsections (v) and (vi) below. Credit reports must be obtained from one of the three major national credit bureaus (Equifax, Experian and TransUnion) and must be obtained within thirty (30) days of submission of the Petition to be deemed current.

Receipt of forms from third parties after the relevant filing deadline shall not affect the timeliness of a Petition. It shall be the burden of the applicant to ensure that all forms from third parties are filed prior to the applicant’s personal interview with a member of the Committee on Character and Fitness.

Petitions with incomplete or missing forms or documentation, outstanding fees, and/or insufficient evidence that all prerequisites have been met, may be rejected at any time.

All fees are nonrefundable.

- iv. Procedure for Review of Petitions. Petitions that (1) include all completed forms and documentation, (2) have no outstanding fees, and (3) show on their face that the applicant has met all prerequisites shall be forwarded to the Committee on Character and Fitness for review in accordance with Article II, Rule 4 of the Supreme Court Rules.
- v. Special Testing Accommodations. The Rhode Island Bar Examination shall be administered to all candidates in accordance with the Americans with Disabilities Act (ADA), as amended. 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 Rhode Island Bar, may request reasonable test accommodations when applying for admission.

- 1) *Request Form.* For any request for test accommodations to be considered, an applicant must submit a complete and signed Form 1: Applicant Request for Test Accommodations, together with all applicable forms and required documentation specified in the Applicant Checklist in Section V of Form 1, with his/her Petition. Applicants shall submit a complete and timely request for test accommodations as set forth in the General Instructions for Requesting Test Accommodations.

Applicants shall use the testing accommodation request forms available on the Admission to the Rhode Island Bar section of the Judiciary website (www.courts.ri.gov).

- 2) *Review Process.* All requests for test accommodations will be evaluated by one (1) or more independent qualified medical professionals and/or the Supreme Court Office of General Counsel. The evaluations shall be based solely on the documentation submitted by the applicant. The Board may, following the evaluations, request additional documentation from the applicant. Failure to provide documentation may be grounds for denial of an applicant's request for test accommodations.

Upon receipt of the request for testing accommodation(s), and after the evaluation, the Board shall determine whether the request for testing accommodation(s) has been substantiated. If the Board determines the request has been substantiated, the request shall be granted and the appropriate accommodations shall be provided to the applicant.

Any applicant who was granted special testing accommodations by the Board for a previous examination but then defers to the next examination, and who has had no material change to his/her condition, need only file Form 1 by the application deadline for the next examination. Any applicant retaking the bar examination who was granted special testing accommodations by the Board for a previous examination, and who has had no material change to his/her condition,

need only file Form 1 by the applicable application deadline. Any applicant who has had a material change to his/her condition and who has deferred to the next examination or who is retaking the examination shall submit the necessary forms by the applicable application deadline. The updated request for test accommodations shall be submitted to the independent evaluators and/or General Counsel and to the Board for further consideration.

- vi. **Administrative Nonstandard Testing Accommodations.** An applicant who is otherwise eligible to take the bar examination, but who does not qualify for accommodations under the Americans with Disabilities Act (ADA), as amended, may request administrative nonstandard test accommodations when applying for admission. Examples of nonstandard test accommodations are: the ability to wear a wrist guard or brace as a result of an injury that may not qualify as a disability under the ADA; the ability to pump breast milk during the bar examination; and/or permission to take certain medications during the bar examination for conditions that do not rise to the level of a disability under the ADA.

- 1) *Request Form.* For any request for administrative nonstandard test accommodations to be considered, an applicant must submit a complete and signed Form 8: Applicant Request for Administrative Nonstandard Test Accommodations, together with all required documentation, with his/her Petition. Applicants shall submit a complete and timely request for administrative nonstandard test accommodations as set forth in the General Instructions for Requesting Administrative Nonstandard Test Accommodations. An applicant who has submitted a complete and timely request for administrative nonstandard accommodations, but whose needs have changed since the submission of the timely request, must submit an updated request, using Form 8, but such updated request must be filed at least thirty (30) days prior to the first day of the applicable examination. Emergency requests for administrative nonstandard accommodations will be considered on a case by case basis.

Applicants shall use the testing accommodation request forms available on the Admission to the Rhode Island Bar section of the Judiciary website (www.courts.ri.gov).

- 2) *Review Process.* Requests for administrative nonstandard test accommodations may be evaluated by one (1) or more independent qualified medical professionals and/or the Supreme Court Office of General Counsel. The evaluations shall be based solely on the documentation submitted by the applicant. The Board may, following the evaluations, request additional documentation from the applicant. Failure to provide documentation may be grounds for denial of an applicant's request for administrative nonstandard test accommodations.

Upon receipt of the request, and after the independent evaluations, the Board shall determine whether the request for administrative nonstandard testing accommodation(s) has been substantiated. If the Board determines the request has been substantiated, the request shall be granted and the appropriate administrative nonstandard accommodations shall be provided to the applicant.

Any applicant retaking the bar examination who was granted administrative nonstandard testing accommodations by the Board for a previous examination, and who seeks administrative nonstandard testing accommodations from the Board for any subsequent examination, must submit a new request for each examination taken, and must do so by the applicable application deadline.

Any applicant who has requested and/or been granted administrative nonstandard testing accommodations by the Board for an examination, but who then defers to a subsequent examination, must submit a new request for each exam by the applicable application deadline.

vii. Duty to Update Petition. Applicants have an ongoing duty to update their Petition to ensure that all of the information included therein is current, complete, and accurate at all times. Updated information must be reported to and filed within ten (10) days of any such changes by submitting on RISCAP a fully executed Amendment to Petition for Admission to the Rhode Island Bar. The applicant's duty to update his/her Petition remains until he/she has taken the Oath of Attorney in Rhode Island and has registered as a member of the Rhode Island Bar, or until the Application has been closed. Any failure to update may result in the closing of the applicant's Petition and/or denial of admission to the Rhode Island Bar.

viii. Deferral of Petition. At any time prior to one (1) week before his/her scheduled examination, an applicant may defer to the next scheduled examination by filing on RISCAP a Request to Defer to the Next Bar Examination together with the required deferral fee. Each subsequent deferral requires filing on RISCAP a Request to Defer to the Next Bar Examination along with payment of the required deferral fee. Requests to defer filed within one (1) week of a scheduled examination may be granted by the Board upon a showing of good cause.

The Board reserves the right to defer any applicant to the next scheduled bar examination, at no cost to the applicant, if the Board reasonably determines, in its discretion and based on pertinent information, that allowing the applicant to sit for his/her scheduled examination may (1) disrupt or adversely affect the examination process in any way, (2) disrupt or adversely affect one (1) or more examinees at the scheduled examination, and/or (3) violate any judgment, order and/or decree of any court of law or government board or agency, whether formal or informal, pending or closed.

ix. Withdrawal of Petition. At any time prior to one (1) week before his/her scheduled examination, an applicant may withdraw from his/her scheduled examination by filing on RISCAP a Request to Withdraw Petition for Admission to the Rhode Island Bar. Upon receipt, the applicant's Petition shall be closed. Applicants who have withdrawn their Petition must submit a new Petition in order to sit for a future bar examination. Requests to withdraw filed within one (1) week of a scheduled examination may be granted by the Board upon a showing of good cause.

c. Character and Fitness Assessment. The Board shall recommend for admission to the Rhode Island Bar only those applicants who are qualified and who have both passed the bar

examination and been recommended by the Committee on Character and Fitness for admission to the Rhode Island Bar. The Board may postpone making such recommendation for any applicant whose character investigation is incomplete or requires further review.

d. Examination. Pursuant to Article II, Rule 6(b), the Board shall examine applicants for admission to the Rhode Island Bar as to their knowledge of law. The examination shall test an applicant's ability to reason logically, analyze problems correctly, and show a thorough knowledge of the basic principles of law and their relationship to specific fact situations.

i. Time and Administration of Examination. The Board shall administer the Rhode Island Bar Examination semiannually, with each examination being conducted on two (2) consecutive days. Examinations are generally held on the last Tuesday and Wednesday of February and the last Tuesday and Wednesday of July; the Board shall determine the time and location of each examination.

ii. Structure and Content. As of September 7, 2018, the Rhode Island Bar Examination is the UBE prepared by the NCBE which—consists of three (3) parts: (1) the Multistate Performance Test (MPT) administered on the first examination day; (2) the Multistate Essay Examination (MEE) administered on the first examination day; and (3) the Multistate Bar Exam (MBE), administered on the second examination day. Applicants should contact the NCBE for additional information about the content and the areas tested on the UBE.

The MEE shall be answered based upon general legal principles.

iii. Laptop Use. All applicants are permitted to use their personal laptop for the essay portion of the examination administered on the first examination day (Tuesday). Laptop users must successfully upload all answers by 11:00 p.m. on the second examination day (Wednesday). Failure to upload answers by the upload deadline shall constitute an automatic fail of the examination, except for good cause shown. The Board does not warrant or guarantee the software program used by applicants and is not responsible for any disruptions, losses, interruptions or any other problems related to an applicant's usage of the software program.

iv. Grading. Each applicant will be assigned a unique five-digit number by the Bar Administrator after his/her Petition is approved to take the examination. The number shall be used by the Board to identify the applicant's answers to the examination during the grading process, and the information connecting the identity of an applicant with an applicant's number shall not be provided to any member of the Board until it meets to approve the examination results.

1) *Multistate Bar Examination.* The MBE portion of the examination shall be graded by the NCBE on a scaled scoring system with scores ranging from 0 to 200.

2) *Multistate Performance Test and Essays.* Answers to the MPT and MEE shall be graded by members of the Board on a scaled scoring system with raw scores ranging from zero (0) to six (6), with six (6) being the highest possible raw score

per response. Applicants will receive a score of zero (0) for any unanswered question or if the applicant's response is irrelevant to and/or fails to address the question asked.

- 3) *Total Score.* Raw scores earned on the MPT and MEE portions of the examination are combined and scaled to the MBE to calculate a written scaled score. The written scaled score and the MBE scaled score shall be combined to determine the total score. The UBE scores as certified by the NCBE are final.
- v. *Passing Score.* A total score of 276 shall be the minimum passing score required of each Rule 1 applicant to pass the Rhode Island Bar Examination. Rule 1 applicants who receive a total score lower than 276 fail the examination. The Board will not entertain waivers of the minimum passing score.
- vi. *Failure to Appear.* The failure to appear for a scheduled examination without first deferring to the next scheduled examination pursuant to Practice Rule 2(b)(viii) or without first withdrawing the application pursuant to Practice Rule 2(b)(ix), shall constitute an automatic fail of the examination, except for good cause shown. Any failed examination pursuant to this rule shall count as a past bar examination result pursuant to Article II, Rule 1(d) and Practice Rule 2(b)(i)(1)(d).

e. Examination Results.

- i. *Posting of Results.* The Board shall promptly post the results at such place(s) and by such means as it may determine, and the names of all applicants who received passing scores shall be made public.
- ii. *Notification to Applicants.* The Board shall notify each applicant of his/her results on the bar examination by such means as it may determine.
- iii. *Passed Exams and Admission to the Rhode Island Bar.* An applicant who is qualified for admission and passes the bar examination and who has been recommended by the Committee for admission to practice law in Rhode Island shall be recommended by the Board to the Court for admission to the Rhode Island Bar. A recommended applicant is not a member of the Rhode Island Bar and is not entitled to practice law in Rhode Island unless and until he/she has been sworn-in before the Court and registered with the Court as follows:
 - 1) *Swearing-in.* A recommended applicant shall have one (1) year from the date that his/her examination results are released to take the Oath of Attorney in Rhode Island administered by a Justice of the Court.
 - 2) *Attorney Registration.* Pursuant to Article IV, Rule 1 of the Supreme Court Rules (Periodic Registration of Attorneys), an applicant must register with the Court within three (3) months of the date the applicant was sworn-in.

The Petition of any recommended applicant who has failed to be sworn-in and/or registered within the required periods set forth above shall be closed and the examination scores shall be void, except for good cause shown. The applicant may thereafter reapply for admission to the Rhode Island Bar consistent with the Supreme Court Rules and these Rules of Practice.

Any recommended applicant seeking admission to the Rhode Island Bar that has failed to be sworn-in and/or registered within the required time periods set forth above may petition the Court for admission. In a petition filed with the Court seeking admission out of time, the applicant shall give sufficient reason why he/she was not sworn-in and/or registered within the required time periods. The petition shall be accompanied by an affidavit setting forth the facts to support the petition and shall include a statement of the applicant whether the information included in each section of the Petition remains current. If the information in the Petition is not current, the applicant shall submit with the Petition a fully executed Amendment Form updating all outdated information in the Petition. Any petition filed pursuant to this Rule of Practice seeking admission out of time will be granted by the Court only upon a finding of good cause.

iv. Failed Examinations. An applicant who fails an examination may file a request, in writing, with the Clerk for a meeting with up to two (2) members of the Board to review his/her examination answers, provided that any such review shall be limited to review of only those answers on which the applicant received a raw score of two (2) or below. Review of examination answers shall be for informational purposes only; all examination scores are final. All such requests shall be made within fifteen (15) days from the date that an applicant's results are released by the Board. If the request for such a meeting is granted, the applicant shall make himself/herself available to meet with Board member(s) as soon as practicable and as requested by the Board members.

f. Retaking the Bar Examination. An applicant who fails an examination may apply to retake the next scheduled bar examination by submitting by the applicable filing deadline a Petition to Reapply for Admission to the Rhode Island Bar. Upon the filing of such a petition, the applicant must satisfy all prerequisites for admission contained in the Supreme Court Rules and these Rules of Practice.

g. Failure to Satisfy Requirements for Admission. The examination results of any applicant who is later determined not to have met the requirements of the Court Rules or these Rules of Practice are void.

3. RULE 1B APPLICANT – ADMISSION ON TRANSFERRED UBE SCORE.

a. General. Article II, Rule 1B of the Supreme Court Rules, as adopted on September 7, 2018, provides for admission to the Rhode Island Bar upon the transfer of a UBE Score of 276 or higher. This Rule of Practice sets forth the rules governing admission to the Rhode Island Bar by transfer of a UBE Score pursuant to Article II, Rule 1B.

- b. Petition for Admission to the Rhode Island Bar.** Every person applying for admission to the Rhode Island Bar by transfer of a UBE Score shall electronically file, under oath, with the Supreme Court the Petition for Admission to the Rhode Island Bar available on RISCAP and shall satisfy the Board that he/she has met all requirements set forth in Rule 1B and further promulgated herein.
- i. Prerequisites for Article II, Rule 1B Applicants.** Petitions received from persons who have not first met the following requirements shall be rejected:
- 1) The applicant shall meet the requirements set forth in Article II, Rule 1(a), (b), (c) and (d) of the Supreme Court Rules:**
 - (a) *Citizenship.*** All applicants shall be citizens of the United States or legal residents, of good character.
 - (b) *Age.*** All applicants shall be at least twenty-one (21) years of age.
 - (c) *Law Study.*** All applicants shall have graduated and received a law degree from a law school accredited and approved by the American Bar Association (ABA) and approved by the Board. By submitting an application, the applicant attests to the fact that he/she has graduated with a Juris Doctor degree from an ABA accredited and approved law school.
 - (d) *Past Bar Examination Results.*** No person who has failed five (5) or more bar examinations, whether in Rhode Island or in any combination of states, districts, and territories of the United States, will be permitted to take the Rhode Island Bar Examination, and no special order excepting any such person from this five (5) examination limit will be granted by the Court. Failure to achieve a score of 276 on any administration of the UBE in any jurisdiction constitutes a failed bar examination for purposes of this rule.
 - 2) *Qualifying UBE Score.*** The applicant shall have earned a minimum score of 276 on an administration of the UBE which occurred within two (2) years of filing his or her Petition. Applicants shall have their official UBE Score Transcript forwarded to the Clerk by the NCBE prior to the filing of a Petition. The Board will not entertain waivers of the minimum UBE score eligible for transfer to Rhode Island or the transfer deadline.
 - 3) *Multistate Professional Responsibility Examination.*** All applicants shall be required to have achieved a scaled score of not less than 80 on the MPRE within the five (5) years prior to filing his or her Petition for Admission on Transferred UBE Score. Scores achieved on a MPRE taken more than five (5) years prior to filing his or her Petition for Admission on Transferred UBE score shall not be accepted. Applicants shall have their official MPRE Score Report forwarded to the Clerk prior to filing a Petition. MPRE scores shall be forwarded to the Clerk directly by the NCBE and not the applicant.

- 4) All prerequisites for admission must be satisfied as of the filing of his or her Petition and throughout the pendency of a Petition for Admission.
- ii. **Petition.** All Petitions for admission pursuant to Article II, Rule 1B shall be filed and processed in conformity with Practice Rules 2(b)(ii) - (iv), except that Petitions from persons seeking admission pursuant to Article II, Rule 1B may be filed on a rolling basis.
 - iii. **Duty to Update Petition.** Applicants have an ongoing duty to update their Petition to ensure that all of the information included therein is current, complete, and accurate at all times. Updated information must be reported to and filed within ten (10) days of any such changes by submitting on RISCAP a fully executed Amendment to Petition for Admission to the Rhode Island Bar. The applicant's duty to update his/her Petition remains until he/she has taken the Oath of Attorney in Rhode Island and has registered as a member of the Rhode Island Bar, or until the Application has been closed. Any failure to update may result in the closing of the applicant's Petition and/or denial of admission to the Rhode Island Bar.
 - iv. **Withdrawal of Petition.** An applicant may withdraw his/her Petition for Admission on transferred UBE score by filing on RISCAP a Request to Withdraw Petition for Admission to the Rhode Island Bar. Upon receipt, the applicant's Petition shall be closed. Applicants who have withdrawn their Petition must submit a new Petition should they choose to seek admission to the Rhode Island Bar in the future.
- c. **Character and Fitness Assessment.** Practice Rule 2(c) shall apply to all applicants seeking admission to the Rhode Island Bar pursuant to Article II, Rule 1B. Applicants seeking admission pursuant to Article II, Rule 1B may be required to submit to a character investigation conducted by the NCBE for an additional fee. Rule 1B applicants who are required to submit to NCBE character investigation shall promptly respond to inquiries from the NCBE regarding their pending investigation.
- d. **Acceptance of UBE Transfer.** Applicants seeking admission to the Rhode Island Bar pursuant to Article II, Rule 1B may be accepted for admission upon the Board's finding that all applicable requirements in the Court Rules and these Rules of Practice have been met.
- i. **Posting.** The Board shall promptly post the names of all Rule 1B applicants whose UBE score transfer applications are accepted.
 - ii. **Notification to Applicants.** The Board shall notify each Rule 1B applicant whether their Petition for Admission has been accepted by such means as it may determine.
 - iii. **Admission to the Rhode Island Bar.** Rule 1B applicants whose transfer of a UBE score has been accepted by the Board must comply with the admission process set forth in Practice Rules 2(e)(iii), including subsections (1)(*Swearing-in*) and (2)(*Attorney Registration*).

- e. **Failure to Satisfy Requirements for Admission.** The acceptance of a UBE score transfer of any applicant who is later determined not to have met the requirements of the Court Rules and these Rules of Practice is void.

4. **RULE 2(A) APPLICANT – ATTORNEY ADMISSION ON EXAMINATION.**

- a. **General.** Article II, Rule 2(a) of the Supreme Court Rules provides limited examination requirements for individuals who have been admitted as an attorney of the highest court of any state, district or territory of the United States prior to applying for admission to the Rhode Island Bar upon examination. This Rule of Practice sets forth the rules governing admission to the Rhode Island Bar on examination pursuant to Article II, Rule 2(a).
- b. **Petition for Admission to the Rhode Island Bar.** Every person applying for admission to the Rhode Island Bar upon examination under Article II, Rule 2(a) shall electronically file with the Supreme Court a Petition for Admission to the Rhode Island Bar available on RISCAP, under oath, and shall satisfy the Board that he/she has met all requirements set forth in Rule 2(a) and further promulgated herein.
 - i. Prerequisites for Article II, Rule 2(a) Applicants. Petitions received from individuals who have not first met the following requirements shall be rejected:
 - 1) *Article II, Rule 1.* The applicant shall meet the requirements set forth in Article II, Rule 1(a), (b) and (d) of the Supreme Court Rules:
 - (a) *Citizenship.* All applicants shall be citizens of the United States or legal residents, of good character.
 - (b) *Age.* All applicants shall be at least twenty-one (21) years of age.
 - (c) *Past Bar Examination Results.* No person who has failed five (5) or more bar examinations, whether in Rhode Island or in any combination of states, districts, and territories of the United States, will be permitted to take the Rhode Island Bar Examination, and no special order excepting any such person from this five (5) examination limit will be granted by the Court. Failure to achieve a score of 276 on any administration of the UBE in any jurisdiction constitutes a failed bar examination for purposes of this rule.
 - 2) *Legal Experience.* The applicant shall have been engaged in the full-time active practice of law or full-time teaching of law for at least five (5) years of the last ten (10) years immediately preceding the filing of his or her Petition. *See, e.g., In re Stanton*, 828 A.2d 529 (R.I. 2003).
 - (a) *Positions Qualifying as the Practice of Law.* Only employment as an attorney qualifies as the practice of law for admission pursuant to Article II, Rule 2(a), except that full-time employment as a judicial law clerk while licensed to

practice law in another jurisdiction and full-time employment as a judicial officer will be considered the practice of law for purposes of Article II, Rule 2(a).

(b) *Positions Qualifying as the Teaching of Law.* Only full-time positions teaching law at a law school accredited by the American Bar Association qualify as the teaching of law for admission pursuant to Article II, Rule 2(a).

3) All prerequisites for admission must be satisfied as of the application deadline, must be satisfied throughout the pendency of a Petition for Admission, and must be satisfied as of the applicable application deadline for the next examination if an applicant has deferred his/her Petition or is retaking the examination.

ii. Petition. All Petitions for admission pursuant to Article II, Rule 2(a) shall be filed and processed in conformity with Practice Rules 2(b)(ii) - (ix), except that Petitions from persons seeking admission pursuant to Article II, Rule 2(a) must be filed with the Supreme Court between July 1 and September 1 of the preceding year in which they intend to take the February examination and between December 1 and February 1 of the year in which they intend to take the July examination.

c. **Character and Fitness Assessment.** Practice Rule 2(c) shall apply to all applicants seeking admission to the Rhode Island Bar pursuant to Article II, Rule 2(a). Applicants seeking admission pursuant to Article II, Rule 2(a) must submit to a character investigation conducted by the NCBE. Rule 2(a) applicants and Rule 2(a) applicants who defer their application or who retake the examination shall promptly respond to inquiries from the NCBE regarding their pending investigation.

d. **Examination.** The Board shall examine applicants seeking admission to the Rhode Island Bar under Article II, Rule 2(a) during the regularly scheduled examinations described in Practice Rule 2(d)(i). The examination shall be administered in accordance with the Supreme Court Rules and Practice Rule 2(d), provided that:

i. Article II, Rule 2(a) applicants shall be required to take only the MPT and MEE portions of the examination;

ii. Total Score. The maximum aggregate raw score on the MPT and MEE of each Article II, Rule 2(a) applicant shall be scaled in the same manner as applicants who sat for the Rhode Island Bar Examination pursuant to Rule 1. The applicant's written scaled score on the MPT and MEE is the applicant's total score; and

iii. Passing Score. A minimum total score of 138 shall be required of each Article II, Rule 2(a) applicant to pass the Rhode Island Bar Examination. Article II, Rule 2(a) applicants who receive a total score lower than 138 fail the examination. The Board will not entertain waivers of the minimum passing score.

- e. **Examination Results, Retaking the Bar Examination and Failure to Satisfy Requirements for Admission.** Practice Rules 2(e) – (g) shall apply to the examination and admission of applicants seeking admission to the Rhode Island Bar under Article II, Rule 2(a). Applicants seeking admission pursuant to Article II, Rule 2(a) must request a supplemental character report from the NCBE for each subsequent examination. Requests for a supplemental report must be received by the applicable application deadline and shall include a separate payment to the NCBE in the amount of the fee for the NCBE supplemental report.

5. GENERAL INFORMATION.

- a. **Examination Conduct.** All applicants must abide by the *Rhode Island Bar Examination Regulations and Code of Conduct* (the “Code of Conduct”). Failure to do so may result in sanctions by the Board or its authorized representatives including, but not limited to, disqualification and ejection from the examination site or referral to the Committee for hearing.

At any time during the examination, applicants must be prepared to demonstrate that their clothing and other personal belongings do not contain items prohibited by the Code of Conduct.

The Board is not responsible for the loss or damage to personal property brought to the examination site.

- b. **Waivers.** Requests for waivers pursuant to Article II, Rule 6(b) shall be filed on RISCAP and will only be granted for good cause. The Board will not entertain waivers of the eligibility requirements in Article II, Rule 1(a) – (d) or the Court Rules establishing the minimum passing scores required for admission to the Rhode Island Bar. Carelessness, inattention, or willful disregard of the Supreme Court Rules or these Rules of Practice does not constitute good cause. Waiver requests shall be accompanied by affidavit(s) setting forth the facts to support the request. The Board shall determine whether the request for waiver warrants a hearing or can be determined upon written submissions. Motions for rehearing or reconsideration of Board decisions on requests for waivers are discouraged.
- c. **Appeals.** Pursuant to Article II, Rule 6(b), an applicant aggrieved by a decision of the Board, including any decisions on a petition for a waiver, shall file a petition with the Court within thirty (30) days of the issuance of the Board’s decision. Petitions filed with the Court seeking review of decisions of the Board shall be filed in accordance with Article I of the Supreme Court Rules of Appellate Procedure.
- d. **Advisory Decisions.** The Board does not issue advisory decisions. An applicant’s qualifications for admission pursuant to Article II, Rules 1, 1B or 2(a) will be reviewed only upon the filing of a timely Petition submitted in accordance with the Supreme Court Rules and these Rules of Practice.
- e. **Confidentiality.** The Petition filed by an applicant shall be maintained by the Supreme Court and shall be made available to the members of the Board, as needed, in order to carry out their duties. Except as otherwise set forth below or in Article II, Rule 3(b) of the Supreme

Court Rules or as ordered by the Court, the actions and records of the Board shall be confidential and shall not be disclosed or open to inspection by the public.

- i. Permitted Disclosures. The Board reserves the right for the following permitted disclosures of its actions and records, including but not limited to applicant information and/or documentation:
 - 1) The Board may publish a list of the names of all applicants who received passing scores on each examination.
 - 2) Upon written request from the Dean of a law school, the Board may furnish the law school with the names of all applicants who graduated from the law school noting which applicants passed and failed the examination and the number of times the applicant has taken the Rhode Island Bar Examination, provided that the law school has first agreed only to use such information internally within the law school for data collection and not to disclose the names of such applicants to any person or organization outside of the law school, unless otherwise agreed to by an applicant.
 - 3) Upon written request from the Rhode Island Office of Disciplinary Counsel and/or from the attorney disciplinary authority in another jurisdiction, the Board may release information and/or documentation with respect to an applicant to the requesting disciplinary authority, provided that the disciplinary authority has first agreed to use any such information and/or documentation for a disciplinary matter involving the applicant and has a rule or policy that guarantees the confidentiality of bar admission materials and records to the same extent required by these Rules of Practice.
 - 4) The Board may release information and/or documentation with respect to an applicant when necessary in defending litigation against the Board, the Supreme Court, their members, and/or staff arising out of or in relation to the bar admission process.
 - 5) The Board may release information consistent with the terms of any release signed by an applicant for purposes of admission to the bar of this or any other jurisdiction.
 - 6) The Board may release information allowed by law or as required by court order.
 - 7) Upon written request, the Clerk shall make available to the public the following information about an applicant as included in a Petition filed with the Court: name, address, year of birth, law schools attended, and the month and year of the examinations taken by the applicant in this or any other jurisdiction.
 - 8) Access to Information of the Applicant. Subject to any fees set by the Supreme Court, applicants may obtain copies of transcripts of any hearings where they are called to appear before the Board to address their qualifications for admission and

of any materials supplied by third parties which have been the subject of such a hearing.

- f. Records Retention.** The bar examination answer booklets of each applicant shall be maintained for a period of no less than sixty (60) days after the publication date of examination results, and thereafter may be destroyed in accordance with the records retention schedule of the Court.