

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE AMENDMENTS) RULE 18-15
AND ADOPTIONS TO APPENDIX A. TO)
SDCL CHAPTER 16-16, REGULATIONS)
OF THE BOARD OF BAR EXAMINERS)
STATE OF SOUTH DAKOTA)

A hearing was held on February 13, 2018, at Pierre, South Dakota, relating to the amendments of and adoptions to Appendix A. to SDCL Chapter 16-16 relating to the Regulations of the Board of Bar Examiners, State of South Dakota, and the Court having considered the proposed amendments and adoptions, the oral presentation thereto and being fully advised in the premises, now, therefore, it is

ORDERED that Appendix A. to SDCL Chapter 16-16, Regulations of the Board of Bar Examiners, State of South Dakota, be and it is hereby amended to read in its entirety as follows:

4. Passing Score.

The bar examination is comprised of three portions:

- A) The combined MPT, MEE, and Indian law portion,
- B) The MBE, and
- C) The MPRE.

An applicant must pass each portion of the examination. A general average of 75% or higher on the combined MPT, MEE, and Indian law portion of the examination shall be deemed a passing score on that portion of the examination. A scaled score of 135 or higher shall be deemed a passing score on the MBE portion of the examination. An applicant may receive additional points on their MBE score, not to exceed three additional points, based on their score on the combined MPT, MEE, and Indian law portion of the examination as follows: 80 to 84 percent, one point; 85 to 89 percent, two points; and 90 percent or more, three points.

Rule 18-15

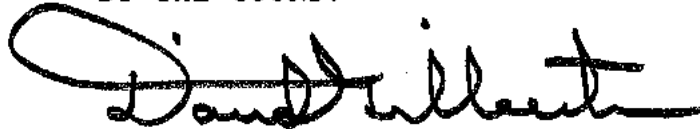
These additional points may not be transferred to an examination administration other than the one in which they are obtained. A scaled score of 85 shall be deemed a passing score on the MPRE portion of the examination. The Board of Bar Examiners shall determine the passing score on each portion of the bar examination in advance of the examination. Written notice of any deviation from the scores enumerated in this regulation will be given to the dean of the University of South Dakota School of Law and all applicants for admission to practice law by examination.

An applicant who has failed only one portion of the exam ~~must only reapply to sit for the failed portion~~ may elect to sit for retake both portions of the examination or only that portion which the applicant failed; however, a passing score on one portion of the examination shall only be valid for a period of two years to exempt the applicant from retaking that portion of the examination. An applicant who elects to retake both portions of the examination must obtain a passing score on both portions of the examination in that administration of the bar examination in order to pass. An applicant who fails either: A) the MPT, MEE, and Indian law portion of the examination; and/or B) the MBE portion of the examination three times must receive Supreme Court permission pursuant to SDCL 16-16-11 to take another examination.

IT IS FURTHER ORDERED that this rule shall become effective immediately and it shall not be retroactive.


DATED at Pierre, South Dakota, this 23rd day of May, 2018.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAY 23 2018


Sheriff A. Johnson, Legal
Clerk