

Supreme Court

In re the Rhode Island Bar :
Examination :
(Reduction of Minimum Passing Score) :

ORDER

Section 1. After careful study and consideration by the Board of Bar Examiners (Board) and the Court, the Court accepts the recommendation of the Board to reduce the minimum scores needed for admission to the Rhode Island Bar effective with the administration of the February 2021 Rhode Island Bar Examination.

Accordingly, it is hereby ordered as follows:

The minimum scores needed for admission to the Rhode Island Bar on examination is hereby reduced to 270 for applicants seeking admission pursuant to Article II, Rule 1 (Admission on Examination) and to 135 for applicants seeking admission pursuant to Article II, Rule 2(a) (Attorney admission on examination). Scores of 270 or higher achieved on administrations of the Uniform Bar Examination in February 2021 and thereafter are eligible for transfer to Rhode Island pursuant Article II, Rule 1A (Uniform Bar Examination) and 1B (Admission on Transferred Uniform Bar Examination Score).

Section 2. Article II is hereby amended to read as follows:

“Rule 1. Admission on Examination. Every person applying for admission to the bar upon examination shall electronically file, under oath, with the Clerk of the Supreme Court the Petition for Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal and shall satisfy the Board of Bar Examiners that:

- (a) He/She is a citizen of the United States or legal resident, of good character;
- (b) He/She is over twenty-one (21) years of age;
- (c) He/She has graduated from a law school accredited and approved by the American Bar Association and approved by the Board; and

(d) He/she is otherwise qualified to practice law. No person who has failed a total of five (5) bar examinations, whether in Rhode Island or in any other combination of states, districts, or territories of the United States (including the District of Columbia), will again 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 this Court. Failure to achieve the minimum passing score of 276 required by the rules in place at the time of any the administration of the Uniform Bar Examination constitutes a failed bar examination for purposes of this rule.”

“Rule 1A. Uniform Bar Examination. The Rhode Island Bar Examination shall be the Uniform Bar Examination prepared by the National Conference of Bar Examiners, which consists of the Multistate Essay Examination, the Multistate Performance Tests, and the Multistate Bar Examination. Individuals must achieve a total scaled score of 276 on the Uniform Bar Examination to be eligible for admission to this state’s bar. An applicant’s score on the Uniform Bar Examination, as certified by the National Conference of Bar Examiners, is final.”

“Rule 1B. Admission on Transferred Uniform Bar Examination Score. Individuals may seek admission to this state’s bar by transfer of a Uniform Bar Examination score of 276 or higher earned in an administration of the Uniform Bar Examination before February 2021 and 270 or higher earned on a February 2021 administration of the Uniform Bar Examination and thereafter and which occurred within two (2) years of filing a Petition for Admission to the Rhode Island Bar. Applicants seeking admission by transfer of a Uniform Bar Examination Score shall electronically file, under oath, with the Clerk of the Supreme Court the Petition for Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal and shall satisfy the Board that they meet the requirements set forth in Rule 1(a) – (d).”

“Rule 2. Attorney Admitted in Other States. (a) *Attorney admission on examination.* A person who has been admitted as an attorney of the highest court of any state, district, or territory of the United States for at least five (5) years who applies for admission in this state shall only be required to take the essay portion of the Rhode Island Bar Examination upon the applicant's compliance with the following conditions:

* * *

Individuals must achieve a total scaled score of 135 or higher on the examination to be eligible for admission to this state’s bar pursuant to this rule.”

Section 3. The following Board of Bar Examiners Rules of Practice are hereby amended to read as follows:

“Rule 2(b)(i)(1)(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 the minimum passing a score of 276 required by the rules in place at the time of any the administration of the Uniform Bar Examination constitutes a failed bar examination for purposes of this rule.”

“Rule 2(d)(v). *Passing Score.* A total score of 2760 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 2760 fail the examination. The Board will not entertain waivers of the minimum passing score.”

“Rule 3(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. On March 25, 2021, Rule 1B was amended to reduce the UBE Score eligible for transfer to Rhode Island to 270 starting with UBE administered in February 2021. Pursuant to Rule 1B, individuals may seek admission to this state’s bar by transfer of a Uniform Bar Examination score of 276 or higher earned in an administration of the Uniform Bar Examination before February 2021 and 270 or higher earned on a February 2021 administration of the Uniform Bar Examination and thereafter. 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.”

“Rule 3(b)(i)(1)(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 the minimum passing a score of 276 required by the rules in place at the time of any the administration of the Uniform Bar Examination constitutes a failed bar examination for purposes of this rule.”

“Rule 3(b)(i)(2). *Qualifying UBE Score.* The applicant shall have earned a minimum score of 276 or higher earned on an administration of the UBE Uniform Bar Examination before February 2021 and 270 or higher earned on a February 2021 administration of the Uniform Bar Examination and thereafter and 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.”

“Rule 4(b)(i)(1)(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 the minimum passing a score of 276 required by the rules in place at the time of ~~any~~ the administration of the UBE in any jurisdiction constitutes a failed bar examination for purposes of this rule.”

“**Rule 4(d)(iii). Passing Score.** A minimum total score of 1385 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 1385 fail the examination. The Board will not entertain waivers of the minimum passing score.”

Entered as an Order of this Court this *25th* day of *March 2021*.

_____/s/
Suttell, C. J.

_____/s/
Goldberg, J.

_____/s/
Lynch Prata, J.

_____/s/
Long, J.

Justice Robinson, dissenting. I write simply to explain with some degree of brevity why I decided not to vote in favor of the proposal that the passing score on the bar exam be lowered from 276 to 270. When confronted with the work product and recommendation of the truly distinguished members of the Board of Bar Examiners as well as the thoughtful position taken by my respected colleagues on the Court, I have not lightly come to a conclusion that differs from theirs. While I genuinely respect the bases for the decision to lower the passing score on the bar exam, it is my earnest conviction that caution should be the watchword when a proposal is made

to make such a change with respect to an exam, the successful completion of which is an important prerequisite to admission to the bar. In view of the fact that the professional services of lawyers are very often sought by members of the public, who come from a wide diversity of backgrounds, I believe that society is better served by the maintaining of demanding (but nonetheless reasonable) standards for entry into the legal profession. That is the basis for the difficult decision that I have made with respect to the passing score issue. However, I conclude by emphasizing that I readily acknowledge that the question is close, and I have nothing but respect for those who are of a contrary view.

_____/s/
Robinson, J.