

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED)	NOTICE OF RULES HEARING
AMENDMENT TO THE APPENDIX TO CHAPTER)	
16-16 REGULATIONS OF THE BOARD OF)	NO. 149
BAR EXAMINERS STATE OF SOUTH DAKOTA)	
5. ACCEPTANCE OF MULTISTATE BAR)	
EXAMINATION RESULTS FROM OTHER STATES)	

A petition for the amendment of an existing section of the South Dakota Codified Laws having been filed with the Court, and the Court having determined that the proposed amendment should be noticed for hearing, now therefore,

NOTICE IS HEREBY GIVEN THAT ON January 10, 2023, at 11:00 A.M., C.T., at the Courtroom of the Supreme Court in the Capitol Building, Pierre, South Dakota, the Court will consider the following:

1. Proposed Amendment to the

APPENDIX TO CHAPTER 16-16
REGULATIONS OF THE BOARD OF BAR EXAMINERS
STATE OF SOUTH DAKOTA

5. Acceptance of Multistate Bar Examination Results from Other States

In its discretion, the Board of Bar Examiners may accept an applicant's previous score on the MBE administered in a jurisdiction other than South Dakota if taken within two years

prior to the next scheduled examination, and if the score on the MBE is a scaled score of 135 or above. ~~and if the applicant passed the entire bar examination in the other jurisdiction.~~ The Board of Bar Examiners may accept an applicant's MPRE score if taken within twenty-eight months prior to the next scheduled examination and if the score is a scaled score of 85 or above.

Explanation for the Proposal

This proposed amendment is submitted to the Court by the Secretary of the Board of Bar Examiners. Regulation 5 allows for the transfer of MBE scores to South Dakota under certain circumstances. This proposed amendment deletes the requirement that the applicant must have passed the entire bar examination in the other jurisdiction. In 2014, Regulation 4 was amended to allow for an independent passing score on the MBE and an independent passing score on the MPT/MEE/ILQ in South Dakota. An applicant who failed a portion of the exam may elect to retake the portion the applicant failed or retake the entire exam. Regulation 5 was not amended consistent with the change made in 2014 permitting an applicant to separately pass each portion of the bar examination. The proposed amendment to Regulation 5 makes it consistent with the current practice under Regulation 4 and is a housekeeping amendment. The amendment, if adopted, is intended to apply to any application currently pending before the Board or the Court.

Any person interested may appear at the hearing and be heard, provided that all objections or proposed amendments shall be reduced to writing and the original and five copies thereof filed with the Clerk of the Supreme Court no later than January 3, 2023. Subsequent to the hearing, the Court may reject or adopt the proposed amendments of any rule germane to the subject thereof.

Notice of this hearing shall be made to the members of the State Bar by electronic mail notification, by posting notice at the

Notice of Rules Hearing No. 149 - January 10, 2023

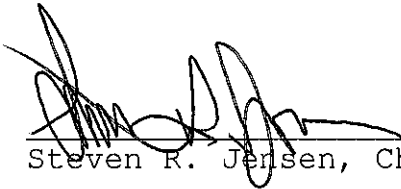
Unified Judicial System's website at

<https://ujis.sd.gov/Supreme Court/Hearings.aspx> or the State Bar of

South Dakota's website <https://www.statebarofsouthdakota.com>.

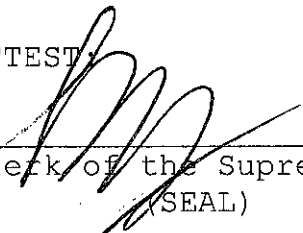
DATED at Pierre, South Dakota this 6th day of December,
2022.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

DEC - 6 2022


Clerk