

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO SECTIONS OF )  
THE IDAHO BAR COMMISSION RULE ) ORDER  
(I.B.C.R.) 217 )  
\_\_\_\_\_ )

The Board of Commissioners of the Idaho State Bar having presented proposed changes to the Idaho Bar Commission Rules (I.B.C.R.), and the Idaho Supreme Court having reviewed and approved the recommendations;

NOW, THEREFORE, IT IS ORDERED that the Idaho Bar Commission Rules (I.B.C.R.), as they appear in the Idaho State Bar Desk Book and on the Idaho State Bar website be, and they are hereby, amended as follows:

1. That Rule 217 of SECTION II be, and the same is hereby, amended as follows:

## SECTION II

### Admissions

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#### **RULE 217. Bar Examination.**

- (a) **Examination Required.** Except as otherwise provided in this Rule, all Applicants, except Reciprocal and House Counsel Applicants, must take the Idaho bar examination.
- (b) **Idaho Bar Examination.** The Idaho bar examination consists of the National Conference of Bar Examiners (NCBE) prepared exams including six Multistate Essay Examination (MEE) questions, two Multistate Performance Test (MPT) questions and the Multistate Bar Examination (MBE). If all components of the Idaho bar examination are taken in the same examination administration and given according to the standards established by the NCBE, the examination qualifies as the Uniform Bar Examination (UBE).
- (c) **Attorney Applicants.** An Attorney Applicant, not eligible for reciprocal admission, who has been engaged in the Active Practice of Law for at least three of the last five years on the date of Application shall not be required to take the MBE. The Applicant shall be required to take all essay portions of the Idaho bar examination. Such an applicant is not eligible to receive a UBE score that is transferable to another jurisdiction, unless applicant chooses to take the UBE described above.
- (d) **Transfer of UBE or MBE Score.** Applicants for admission by examination may transfer a UBE scaled score of ~~272~~270 or above earned during the ~~February 2017~~July 2023 bar exam or any exam thereafter from another UBE jurisdiction if taken within the last 37 months. An

Applicant may transfer an MBE score from any jurisdiction if taken within the last 37 months prior to the date of the Idaho bar examination for which they are applying. Applicants who failed a prior Idaho bar examination may transfer an MBE score from a prior Idaho bar examination if taken within the last 37 months prior to the date of the bar examination for which they are applying. An Applicant who elects not to transfer a prior score and chooses to sit for that MBE may not subsequently substitute a prior score on that bar examination. Applicants who transfer an MBE score are not eligible to receive a transferable UBE score.

- (e) **Certificate Permitting the Bar Examination.** The Executive Director shall provide the Applicant with a certificate permitting the Applicant to take the bar examination if:
  - (1) No Rule 211 written objection has been filed; and
  - (2) The Applicant meets the bar examination and admission requirements.
- (f) **Entry to Bar Examination.** No Applicant shall be permitted to take the bar examination unless a valid certificate duly issued by the Bar is presented.
- (g) **Validity.** A certificate permitting bar examination shall be valid only for the bar examination for which it is issued.
- (h) **Supervision of Examinations.** Bar examinations shall be supervised by the Board through the Executive Director. The Executive Director may appoint proctors and monitors to conduct each bar examination. No extra time shall be given for an Applicant who is late for any session of the bar examination.
- (i) **Bar Examination Code of Conduct.** Applicants shall abide by the rules and instructions governing the administration of the bar examination.
  - (1) An Applicant shall not:
    - (A) Falsify any documentation required for admission to the bar examination;
    - (B) Read questions on the bar examination prior to the announcement to begin the bar examination;
    - (C) Utilize unauthorized notes, books, recordings, electronically retrievable data or other unauthorized materials while taking the bar examination;
    - (D) Use answers or information from other Applicants while taking the bar examination;
    - (E) Provide answers or information to other Applicants while taking the bar examination;
    - (F) Remove from the bar examination room, during or after the bar examination, questions, answer sheets or other materials relating to any part of the bar examination;
    - (G) Continue to answer questions after the announcement to stop is given;
    - (H) Communicate the substance of any question to other Applicants still taking the bar examination;
    - (I) Communicate the substance of any question to persons who are employed by or associated with bar review courses;
    - (J) Disregard instructions given by the proctors or monitors during the course of the bar examination or cause generalized disruption of the bar examination;
    - (K) Identify themselves by submitting their identification numbers or names on a response to any question or attempt to influence the grading of their bar examinations in any manner; or
    - (L) Otherwise compromise the security or integrity of the bar examination.
  - (2) Applicants who violate this Code of Conduct, or who knowingly assist another Applicant in a violation, shall be given an automatic failing score on the entire bar examination. The circumstances of such violation may be considered by the Board as grounds for barring the Applicant from retaking the bar examination.

- (j) **Handling of Bar Examination Papers.** At the beginning of each bar examination session, the Applicants shall be given a copy of the questions to be answered at that session. Applicants typing answers to the essay questions shall utilize the secure software approved by the Board. Written answers to the essay questions shall be written in ink on paper supplied by the Board. All questions must be labeled and numbered as instructed.
- (k) **Grading of the Bar Examination.** Bar examinations, including any incomplete bar examination, shall be graded and reviewed under the direction of the Board in accordance with the Bar Examination Grading Standards and Procedures adopted by the Supreme Court.
- (1) **Identification.** An identification procedure which ensures anonymity of all Applicants shall be used throughout the grading process.
- (2) **Passing Score.** A passing scaled score on the bar examination shall be a scaled score of not less than ~~68~~67.5% of the highest possible scaled score as provided by the Bar Examination Grading Standards and Procedures.
- (l) **Bar Examination Certification.** The Board shall certify all eligible Applicants to the Supreme Court for admission.
- (m) **Request for Copies.** Applicants who failed the bar examination may review:
- (1) Their bar examination grades and answers; and
- (2) The essay questions and suggested analyses.
- (n) **Bar Examination Records.** Bar examination papers shall be maintained by the Bar for at least 120 days after the bar examination, after which time the papers may be destroyed without further notice to the examinee.
- \*(Rule 217 amended ~~2-25-16~~6-1-23 – effective as of the ~~February 2017~~July 2023 bar exam.)*

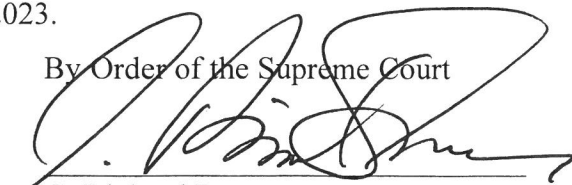
IT IS FURTHER ORDERED that this Order and the amendments shall be effective for the July 2023 bar exam and all exams thereafter.

IT IS FURTHER ORDERED that any applicant who received a Uniform Bar Exam (“UBE”) scaled score of 270 or 271 on the February 2023 Idaho bar exam shall be eligible for admission to the Idaho State Bar.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Rules.

DATED this 1<sup>st</sup> day of June, 2023.

By Order of the Supreme Court

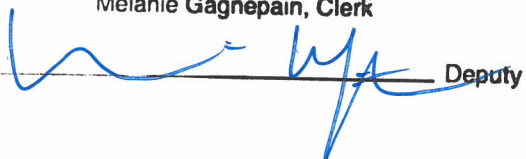


G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:

  
Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
Order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 10-1-23  
Melanie Gagnepain, Clerk

 Deputy