

June 8 2016

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: PR 06-0422

Dustin Kuipers  
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Wolf Point, MT 59201  
406-599-3058

*IN RE**Bar Applicant:*

Dustin L. Kuipers

FILED

JUN 07 2016

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STATE OF MONTANA

PR 06 - 0 4 2 2

PETITION TO SIT

FOR JULY 2016 EXAM

**I. INTRODUCTION**

COMES NOW, Montana State Bar Applicant Dustin L. Kuipers, respectfully petitions this Honorable Court for reexamination for the Montana Bar Exam. Dustin L. Kuipers ("Applicant") graduated from the Alexander Blewett III School of Law, formally known as the University of Montana School of Law, in May of 2014. Applicant has been unsuccessful on his last three attempts on the Uniform Bar Examination ("UBE") and now must petition this Honorable Court to sit for the next examination. Under the Rules for Admission to the Bar of Montana, Part III., Subpart I., "[a]n applicant who has been unsuccessful in three attempts at the Uniform Bar Examination must petition and be given permission by the Montana Supreme Court before sitting for the examination again." Incorporated herein, is that petition and Applicant respectfully requests that this Honorable Court grant this petition.

## **II. BACKGROUND**

Applicant never sat for the July 2014 UBE because he felt he was not prepared enough to take the exam. Applicant's first unsuccessful attempt on the UBE was in February of 2015. Applicant then sat for the July 2015 exam, making the major mistake of deciding to hand write the MEE and MPT rather than typing. The writing score was negatively reflected in this attempt to hand write essays, and applicant was therefore unsuccessful a second time. Lastly, Applicant sat for the February 2016 and was unsuccessful for a third time. A consistent denominator in all attempts is Applicant's subpar MBE scores. Applicant has completed all requirements for admission to the Montana State Bar; expect passing all "components of the Montana Uniform Bar Examination in a single-administration." (RULES FOR ADMISSION TO THE STATE BAR OF MONTANA, Part III., Subpart C(3)).

Applicant has been currently obtaining a master's degree in the Public Administration program in the Political Science Department at the University of Montana. Applicant is also currently employed for the Fort Peck Assiniboine and Sioux Tribes as the Public Defender. This Honorable Court should grant applicant's petition for three reasons. First, Applicant is still considered a "student applicant" as he has never held a formal license to practice law outside of being admitted to practice law in the Assiniboine and Sioux Tribal Court. Second, Applicant is prepared to take the necessary and proper steps to ensure successful attainment of requisite UBE score. And third, Applicant will forego employment to completely focus on the passing the UBE to become licensed to practice law in the State of Montana.

## **III. STUDY PLAN**

Outlined below is Applicant's current study plan to ensure success on the July 2016 exam. Mostly, Applicant has been using the cheap and accessible BarMax prep course which includes outlines, lectures, and practice tests. Applicant, however, feels the MBE practice questions are not similar to those questions Applicant has encountered on the actual exam. Therefore, applicant will obtain and study previous MBE exams available on the NCBE website and also obtain the interactive software that will track the subjects that are problematic for Applicant.

1 Furthermore, Applicant needs to memorize and internalize all the subjects that appear on  
2 the exam. In the past, Applicant would use the BARMAX flash cards available on the iPad,  
3 however, this has proved unsuccessful in the actual test situation because Applicant could not  
4 recall certain aspects of the black letter law. Applicant has already purchased the Critical Pass  
5 study cards that provide numbered, colored, and writeable note cards that have been proven to  
6 raise MBE scores. Therefore, Applicant will obtain, study, and formulate proper mnemonics to  
7 sufficiently memorize the relevant black letter law.

8 Lastly, and most importantly, Applicant will take the entire month of July off from work,  
9 school, and any other obligation, to devote the entirety of that month to studying and preparing  
10 for the July UBE. Therefore, with these steps in place, Applicant feels that the July 2016 exam  
11 will be a success.

#### 12 **A. MBE**

13 The MBE is by far the most important facet of the UBE. As quoted from State of  
14 Montana Board of Bar Examiners letter indicating Applicant's failure, "[t]he MEE and MPT  
15 scores are scaled to the MBE, with the MBE weighted 50%, the MEE 30%, and the MPT 20%."  
16 What's more is that the MBE is by far the most challenging aspect of the exam for Applicant,  
17 although Applicant needs to raise his score in all sections of the exam. Therefore, the applicant  
18 will purchase and finish the AdaptaBar program that uses interactive software to track the  
19 examinees progress and subjects of concern.

20 Applicant will also obtain actual NBCE MBE practice questions and utilize those.  
21 Achieving a high MBE score is the key to success on the UBE, as the MEE and MPT are scaled  
22 against the MBE score. The higher MBE score, a higher overall score an examinee will have.  
23 Therefore, Applicant will practice as many MBE practice questions as needed to pass the exam.

#### 24 **B. MEMORIZATION, MNEMONICS, AND MEETING**

25 Another area Applicant has been struggling with is the ability to memorize and  
26 regurgitate the black letter law. This skill is necessary in order to find success on the UBE and  
27 Applicant needs to develop and utilize this skill. Applicant has already purchased the Critical  
28 Pass Study Note cards that will help Applicant find success on the MBE. What's more is that  
Applicant needs to develop and utilize proper mnemonics to ensure sufficient recall of material

1 for the UBE. These note cards are arranged by color and number, so Applicant will be able to  
2 develop mnemonics to help memorize all the material.

3 Another important part of memorizing the black letter law is internalizing the relevant  
4 subjects on the MEE. Applicant will therefore, receive and meet with his bar exam grader to get  
5 proper guidance in achieving a higher score. Applicant has already received a copy of his  
6 written exam but will need to meet with the grader to get pointers on raising his MEE and MPT  
7 scores. Utilizing this opportunity to meet with a bar grader, will help ensure success attainment  
8 of the requisite score.

### 9 **C. EMPLOYMENT**


10 Applicant considers himself very lucky to be employed while not being able to pass the  
11 bar exam. Many similarly situated as Applicant, are not as fortunate to have full time  
12 employment in the legal field. With that said, however, Applicant is going to forego  
13 employment for the entire month of July to devote almost every waking hour to studying,  
14 preparation, and training for the next UBE exam.

15 The past unsuccessful attempts on this exam can be attributed to many factors, however,  
16 one important on is that Applicant was not setting aside the proper amount of time to sufficiently  
17 prepare for the exam. Juggling school, work and family proved challenging for Applicant to set  
18 aside enough time, and this resulted in passive studying. Although not entirely wasteful, passive  
19 studying for an exam as important as this one is not the key to success. Proactive studying, on  
20 the other hand, is what Applicant realizes he needs to do in order to achieve success on the UBE.

### 21 22 **IV. CONCLUSION**

23 For the reasons, *supra*, Applicant respectfully requests that this Honorable Court grant  
24 this petition.

25 Respectfully Submitted this 6<sup>th</sup> Day of June, 2016

26  
27   
28 \_\_\_\_\_  
Dustin L. Kuipers

Certificate of Service

I, Dustin L. Kuipers, hereby certify that on the 6<sup>th</sup> day of June, 2016, I served a true and correct copy of the foregoing on the State of Montana Board of Bar Examiners and the Montana Supreme Court by facsimile/mail by submitting this petition to:

  
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