ORIGINAL

FILED
05/03/2017
Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: PR 06-0422

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Pro Se

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MAY 03 2017
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CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. PR 06-0422

IN RE LYNDON SCHEVECK'S ADMISSION TO THE MONTANA BAR,	)	**PETITION**
LYNDON SCHEVECK,	)	
Petitioner.	)	

On February 21 and 22, 2017, Lyndon Scheveck sat for the Montana Bar Examination in Helena, Montana. On February 21, 2017, during the multistate essay examination and the multistate performance test, one of the proctors caused a disturbance throughout that portion of the examination by coughing and moving about as if he was intentionally trying to disturb the examination. Scheveck, as well as several other applicants, complained several times about the proctor's disruptive behavior. The proctor refused to leave the testing area. The proctor continued to disrupt the testing center. Mr. Scheveck was sitting in close proximity to the disruptive proctor. The proctor's disruptive behavior distracted Scheveck from the examination.

On April 12, 2017, Scheveck received the examination results. He received a 140.3 on the multistate bar examination, a 121.4 on the combination of the multistate performance test and on the multistate essay examination. He received a total score of a 262. He needed a 266 to pass the examination. He failed to pass the examination by 4.3 points. His multistate bar examination placed him approximately in the 70-percentile range. Lyndon Scheveck's score of a 140.3 is well above the national average of a 133 multistate bar examination based on the February 2017 exam. The multistate bar exam is tested on the second day of testing, February 22. The proctor who was causing the disturbance was not present. The combined multistate essay examination and multistate performance test score placed him in the bottom half of the test takers. The multistate bar examination and the multistate essay examination test on the same general areas of law.

On April 19, 2017, Scheveck requested the Montana Board of Bar Examiners credit him with the 4.3 points he needed to pass the examination because of the proctor's disruptive behavior during the examination that distracted him from the examination. On April 26, 2017, the Board declined his request. The Board found that there was no authority to grant such relief.

Pursuant to the Rules of Admission of the Montana Supreme Court:

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III. (H) POST-EXAMINATION REVIEW

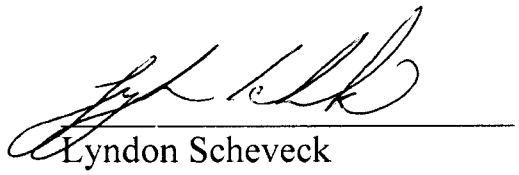
The Board of the Bar Examiners' pass/fail decisions are final and not subject to review additional substantive review once the report is filed with the Bar Admissions Administrator.

Before the scores were filed with the Bar Admissions Administrator, the Bar Administrator promptly reported the incident to the Board of Bar Examiners as under Rule 103D of the Montana Supreme Court Board of Bar Examiners' Rule. The Board of Bar Examiners knew of the incident before the results of the Universal Bar Exam were released. The Bar Administrator notified the Board of Bar Examiners that there could be a possible negative impact on the scores. In addition, when the Universal Bar Exam scores were released, the Bar Administrator notified the Board of Bar Examiners that there were scores that were apparently impacted. There are currently no rules set by the Montana Supreme Court pertaining to this issue.

Lyndon Scheveck requests the Montana Supreme Court credit him with the 4.3 points he needed to pass the examination because of the proctor's disruptive behavior during the examination that distracted him from the examination. The Montana Supreme Court has the inherent authority to grant the relief requested.

Scheveck has filed an affidavit in support of the petition.

Dated this 1st day of May, 2017.



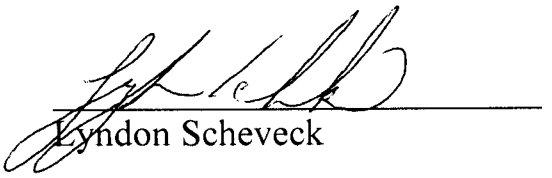
Lyndon Scheveck

Certificate of Service

I certify that I have served by email and mail a copy of the attached Petition to the following:

Montana Board of Bar Examiners
Attn: Kathie Lynch
P.O. Box 577
Helena, Montana 59624

Dated this 1st day of May, 2017.



Lyndon Scheveck