

ORIGINAL

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 06-0422

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IN RE

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

PR 06-0422

BAR APPLICANT:

PETITION TO SIT FOR FEBRUARY 2018
EXAM

JUSTIN D. ERICKSON

I. INTRODUCTION

COMES NOW, Montana State Bar Applicant Justin D. Erickson, respectfully petitions this Honorable Court for reexamination for the Montana Bar Exam. Justin D. Erickson ("Applicant") graduated from the Alexander Blewett III School of Law in May 2015. 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

PETITION TO SIT FOR FEBRUARY 2018 EXAM - 1

1 Applicant did not sit for the July 2015 UBE nor the February 2016 UBE. Applicant felt
2 unprepared for the July 2015 exam and financial constraints prevented him from sitting for the
3 February 2016 exam. Applicant's first unsuccessful attempt on the UBE was in July of 2016.
4 He hand wrote the MEE and MPT portions of the exam. On his second unsuccessful attempt in
5 February of 2017, the Applicant decided to use his computer. For his third unsuccessful
6 attempt the Applicant went back to hand writing the MPT and MEE portions of the exam.
7 Applicant scored his highest of the three unsuccessful attempts on the third try. Consistently
8 low scores on the MBE are the common thread. Applicant has completed all requirements for
9 admission to the Montana State Bar, except passing all "components of the Montana Uniform
10 Bar Examination in a single-administration." (RULES FOR ADMISSION TO THE STATE
11 BAR OF MONTANA, Part III., Subpart C(3)).
12

13
14 This Honorable Court should grant Applicant's petition for the following reasons. First,
15 Applicant has never held a formal license to practice law and is therefore still considered a
16 "student applicant." Second, Applicant will take all necessary steps to attain a passing UBE
17 score. Third, although Applicant must work to provide for his family he will forego all other
18 distractions in life to focus on the attainment of a passing UBE score so that he may become
19 licensed to practice law in the State of Montana.
20

21 **III. STUDY PLAN**

22 Below is Applicant's current study plan for the February 2018 exam. Applicant has
23 relied solely on Barbri coursework for his last three attempts. For the February 2018 exam
24 Applicant will continue to use Barbri for the outlines and practice tests, but will also use the
25 previous MBE exams that are available on the NCBE website. Applicant will also purchase
26 Critical Pass study cards and look into attending a bar prep class if one is available through the
27
28

1 University of Montana or perhaps the University of North Dakota as Applicant will likely be
2 spending most of the winter in North Dakota for work.

3 **A. MBE**

4 The MBE is the most critical portion of the UBE and it is also the most challenging
5 portion of the exam for Applicant. Although all portions of the exam are challenging, the MBE
6 is particularly difficult as the questions are designed to throw the test taker off. Applicant needs
7 to spend more time taking practice MBE exams. Applicant knows that success on the MBE will
8 require thousands of practice questions followed by studying the explanatory answers for each
9 question. Applicant will use all the resources at his disposal to ensure a passing score on the
10 MBE.
11

12 **B. MPT**

13 Applicant has never given the MPT portion of the exam its proper respect. Although the
14 MPT is worth only 20% of the exam, those are points that could dramatically increase the overall
15 score. Applicant will dedicate a significant portion of his study regimen to learning how to
16 achieve a passing MPT score to take advantage of those points that in the past he has neglected.
17

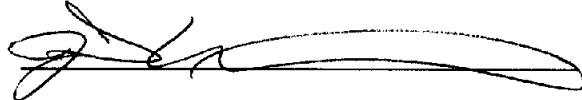
18 **C. MEE**

19 Applicant has gone back and forth using his computer to type the exam and handwriting
20 it. He has achieved his highest MEE score by handwriting and will likely handwrite the
21 February 2018 exam as well. The main focus for applicant will be memorizing the black letter
22 law for all MEE subjects. By using mnemonics and obtaining the proper study materials to
23 memorize the black letter law on the MEE subjects, Applicant believes that he will successfully
24 attain the requisite score.
25

26 **IV. CONCLUSION**

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

3 Respectfully Submitted this 9th Day of November, 2017
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6 Justin Dean Erickson
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