

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 06-0422

IN RE: BYRON E. GRUBER

Petitioner,

)  
)  
) PETITION TO WAIVE MPRE  
) REQUIREMENT IN APPLICATION  
) FOR ADMISSION BY MOTIOIN TO  
) MONTANA STATE BAR  
)  
)

FILED

JUN 24 2020

RECEIVED  
06/24/2020  
Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
Case Number: PR 06-0422

Byron E. Gruber ("Petitioner") petitions this Honorable Court to waive the three-year Multistate Professional Responsibility Examination ("MPRE") test requirement for admission into the State Bar-of Montana by Motion. In support Petitioner states:

**BACKGROUND**

Petitioner recently relocated his residence to the State of Montana, Gallatin County, and is seeking admission to the State Bar of Montana by motion. He has completed all application requirements except for taking the Multi-state Professional Responsibility Exam ("MPRE") within the past three years. Petitioner was required to take the MPRE when originally seeking his license to practice law in 2008 in Missouri, and Petitioner passed the exam and was admitted to the State Bar of Missouri. Since that time, Petitioner has/is:

- a member in good standing of the State Bar of Missouri since 2008; and
- Practiced law for over 10 consecutive years, including as a managing attorney at a United States Federal SSA hearing office, as an assistant prosecuting attorney in the State of Missouri, and as in-house counsel for a private company, without any ethical or disciplinary issues.

Ethical obligations are a core value of Petitioner's practice. While studying for and retaking the MPRE is certainly valuable in terms of focusing a practitioner's attention on the numerous potential nuances and ethical traps that might arise, Petitioner requests that his over 10 years of practicing law ethically without incident, coupled with a career worthy of recognition, would be an acceptable substitute under the circumstances.

In that regard, Petitioner is aware that the State Bar of Montana is in discussions with this Court regarding the current requirements and near-term plans to petition the court to revise the MPRE requirement to eliminate the testing & (or retesting) requirement if the applicant has already taken and passed the MPRE for admission in another jurisdiction. Petitioner has met that requirement and, should this Court agree to implement this revised MPRE requirement, would be in compliance.

#### **REQUESTED RELIEF**

Petitioner requests that this Court waive the MPRE requirement and rely upon Petitioner's background and experience and having previously passed the MPRE for admission in another Jurisdiction as sufficient for admission to the Montana Bar.

This 21<sup>st</sup> day of April, 2020.



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