

IN THE SUPREME COURT OF MONTANA

IN RE: JOHN ALBERT DOW III]] Petitioner,]]	Petition to waive the MPRE retest requirement in the application for admission by motion to the State Bar of Montana
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06-422

COMES NOW, John Albert Dow III (“Petitioner”) and respectfully petitions this Honorable Court to waive the Multistate Professional Responsibility Examination (“MPRE”) test requirement for admission to the State Bar of Montana by motion. In support of the requested relief, Petition shows as follows:

Background

Petitioner seeks admission to the State Bar of Montana by motion and shows he has completed all application requirements with the exception of *retaking* the MPRE. Petitioner was admitted to the State Bar of Georgia in 1997 and, in conjunction with said admission, Petitioner was required (among other criteria) to take the MPRE and achieve a passing score of 75 or higher. Based upon Petitioner’s passing MPRE score secured in 1997 and the satisfaction of the other requirements, the State Bar of Georgia issued Petitioner a State Bar number and authorized Petitioner to practice law in the state.

Petitioner has attempted to retrieve his MPRE score for submission to the State Bar of Montana in relation to his motion for admission, however, these efforts have been futile. Specifically, Petitioner has contacted the Nation Conference of Bar Examiners (“NCBE”) to procure his score and the NCBE has advised it does not maintain records beyond 1999. Alternately, Petitioner contacted the State Bar of Georgia Office of Bar Admissions to procure his score and the State Bar of Georgia has advised that while it does not maintain members’ MPRE test scores, the fact Petitioner was admitted to practice law by the State Bar of Georgia is evidence of Petitioner securing a passing score. (Please see the correspondence collectively attached hereto as, “Exhibit 1”.)

Petitioner shows that since his admission to the State Bar of Georgia in 1997:

- He has worked without interruption in the practice of law and has remained a member in good standing.
- He has practiced without any ethical or disciplinary issues.
- He has owned and managed his own law practice.
- He has achieved and maintained a Martindale Hubbell AV Preeminent rating.

Ethics is a core value of Petitioner's practice. While studying for and retaking the MPRE is certainly helpful in that it focuses a practitioner's attention upon the nuances and ethical traps that can arise in the practice of law, Petitioner respectfully maintains 24 years of practicing law ethically and without incident could be deemed an acceptable substitute to retaking the MPRE. In that regard, Petitioner is aware the State Bar of Montana is in discussions with the Court regarding current requirements and near-term plans to petition the Court to revise the MPRE requirement to eliminate retesting if an applicant has already passed the MPRE for admission in another jurisdiction. Petitioner has met that requirement and, should this Court agree to implement this revised requirement, Petitioner would be compliant with the revised criteria.

Requested Relief

Petitioner respectfully requests this Honorable Court to waive the MPRE retesting requirement in Petitioner's case and rely upon Petitioner's history of passing the MPRE for admission in another jurisdiction as sufficient for Petitioner's admission to the State Bar of Montana.

Respectfully submitted this 18th day of March, 2021.

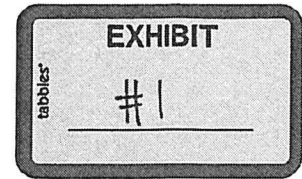
A handwritten signature in black ink, appearing to read 'John Dow III', with a large, sweeping flourish at the end.

John Albert Dow III
Georgia State Bar No: 227709
Attorney for Plaintiffs

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1901 Union Street
Brunswick, GA 31520
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OFFICE OF BAR ADMISSIONS
(404) 656-3490



BOARD TO DETERMINE FITNESS
OF BAR APPLICANTS
BOARD OF BAR EXAMINERS

HEIDI M. FAENZA
DIRECTOR OF ADMISSIONS

February 22, 2021

Mr. John Albert Dow, III
1901 Union Street
Brunswick, GA 31520

Dear Mr. Dow:

This letter is in response to your written request received in our office on February 8, 2021.

Records maintained by our office show that you achieved a passing score on the July 1997 Georgia Bar Examination. However, due to document retention policies previously in effect in our office, we are unable to provide confirmation of your Multistate Professional Responsibility Examination (MPRE) score.

We can confirm, however, that when you applied for admission to the practice of law in Georgia in 1997, to be eligible for admission, applicants were required to obtain a score of 75 or higher on the MPRE.

Please contact this office if you have any questions.

Sincerely,

Runette Bell Hines
Director of Testing and Fiscal Officer

RBH/ems

THE DOW FIRM, P.C.
Litigation and Trials

 **FILE**

1901 Union Street
Brunswick, Georgia 31520
Phone: (912) 264-1919
Facsimile: (912) 264-6979

February 8, 2021

Via U.S. Mail & Facsimile

Supreme Court of Georgia - Office of Bar Admissions
Nathan Deal Judicial Center
330 Capitol Avenue, SE - Suite L200
Atlanta, GA 30334
Fax #: (404) 657-9108

RE: MPRE confirmation for John Albert Dow III (Georgia State Bar #: 227709)

To Whom It May Concern:

I am making application for admission to the State Bar of Montana. In conjunction with the same, I need certification that I sat for and passed the Multistate Professional Responsibility Examination (MPRE) at the time I became a duly licensed lawyer in the State of Georgia in 1997.

I have been in touch with National Conference of Bar Examiners (NCBE) about receiving certification concerning my test result. Regrettably, the NCBE indicates it only has MPRE scores reaching back to 1999. I sat for and passed the MPRE in 1997 in Georgia. As such, I need certification of the same to issue from the State Bar of Georgia since the NCBE does not have records of my testing or results.

Per my discussion with Mrs. Williams in your office about this matter, I am herewith supplying the following information necessary to fulfill my request.

Tester's Full Name:	John Albert Dow III
Tester's SS#:	XXX-XX-5110
Tester's Address:	1901 Union Street - Brunswick, Georgia 31520
Tester's Phone #:	(912) 266-4354
Tester's Exam Year:	1997
Tester's Georgia Bar #:	227709
Production Instructions:	I would like to receive two (2) copies of certification - sent to me at the address referenced above - that demonstrate I sat for and passed the MPRE in 1997.

If you have any questions or comments, please do not hesitate to call me.

Sincerely,



John Albert Dow III

J. Dow III

From: NCBE Character and Fitness <contact_cf@ncbex.org>
Sent: Monday, February 8, 2021 9:09 AM
To: J. Dow III
Subject: Re: Inquiry from www.ncbex.org

Reply ABOVE: THIS LINE to add a note to the request

John,

NCBE only has MPRE scores from 1999 to the present. Please contact the jurisdiction to which you are seeking admission and inquire as to what they recommend or contact the jurisdiction where you sat for the exam to see if they have a copy of your score on file. Jurisdiction contact information is available on the NCBE home page (www.ncbex.org).

Best,

Christy M

National Conference of Bar Examiners <http://www.ncbex.org/>

From:
Date: February 6, 2021, 5:20 pm
Subject: Re: Inquiry from www.ncbex.org

Select Topic from Menu

contact_cf@ncbex.org

Enter Your Full Name

John Albert Dow III

Enter Your Email Address

jdow3@thedowfirm.com

Enter your NCBE Number (optional)

Unknown

Enter Jurisdiction to Which You Are Applying (if applicable)

Montana

Subject

Transmission/Confirmation of Testing and Score

Type Your Message

Greetings.

I am an attorney licensed to practice in the State of Georgia. I passed the multistate professional responsibility exam in 1997 and I have practiced in Georgia continuously since being admitted to the bar in 1997. I need to get my passing test score transmitted to the State of Montana in conjunction with my application for admission to the Montana Bar. Can someone please call me to discuss the transmission of my score to Montana to assist me in the application process? My cell number is (912) 266-4354. Also, as indicated above, I can be emailed at jdow3@thedowfirm.com.

I thank you in advance for your assistance.

JD3
