

ORIGINAL

FILED

08/02/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 06-0422

FILED

AUG 02 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

In the Matter of the Application of

MARK BUCKNER PULLIN,

Petitioner.

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

Mark Buckner Pullin, ("Petitioner"), hereby petitions this Honorable Court to waive the three-year Multistate Professional Responsibility Examination ("MPRE) test requirement for admission into the State Bar of Montana.

BACKGROUND

Petitioner is currently a resident of California, and has been a member of the California State Bar since 1985; Bar No. 120696. Petitioner previously passed the MPRE in order to become a member of the California bar. Petitioner now seeks admission to the State Bar of Montana and requests that this court waive the requirement that Petitioner *once again* pass MPRE. Good grounds exist to grant this Petition based upon the following:

1) Petitioner has completed all other application requirements for admission to the State Bar of Montana, including the background check and passing the Montana Bar Examination administered in February 2021. See the letter from Ms. Kathie Lynch, Bar Admissions

1 Administrator, dated April 5, 2021, which is incorporated herein by this reference and attached
2 hereto as Exhibit 1.

3 2) As noted, Petitioner passed the MPRE, when originally seeking his license to practice law
4 in California. Petitioner has made good faith attempts to obtain his MPRE score from the State Bar
5 of California, but has been unable to provide said score. See the email chain incorporated by this
6 reference and attached hereto as Exhibit 2.

7 3) Petitioner has been a member in good standing of the California State Bar since 1985.
8 Petitioner has practiced law as a Judge Advocate in the U.S. Marine Corps, and within both the
9 private and public sectors in the State of California. To Petitioner's knowledge, he has never been
10 the subject of any ethical or disciplinary inquiry by the military, the State of California, or any of
11 Petitioner's employers.

12 4) Petitioner is very familiar with the Rules of Professional Conduct that regulate the
13 practice of law in the State of California, as well as the tenants tested by the MPRE. As a Judge
14 Advocate, Petitioner drafted numerous ethics-related opinions to military commands and command
15 staff pursuant to Directive 5500.07-R, the Joint Ethics Regulation (JER). Petitioner teaches legal
16 and medical ethics at the undergraduate level as an Adjunct Professor with Keiser University. As
17 the Lead Staff Attorney (Criminal) for the San Diego Superior Court, Petitioner advised numerous
18 Judges and court staff on ethical issues arising from cases before the court as well as new
19 developments in the law.

20 5) Given Petitioner's knowledge and experience, he asserts that studying for and retaking
21 the MPRE would be of limited value. Petitioner would hope that his experience and practicing law
22 ethically since 1985, would be acceptable substitute under the circumstances.

23 6) Petitioner risked exposure to COVID-19 by flying to Montana and sitting for the bar
24 exam in February of 2021. However, given the new Delta variant, Petitioner is reluctant to risk the
25 additional exposure that would result from being required to set for another MPRE.

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1 **RELIEF REQUESTED:**

2 BASE UPON THE FOREGOING, Petitioner requests that this Court waive the MPRE
3 requirement and rely upon Petitioner's background and experience and having previously passed the
4 MPRE for admission in another Jurisdiction as sufficient for admission to the Montana Bar.

5
6 Dated: July 26, 2021

7 M.B. Pullin
8 MARK B. PULLIN, Petitioner, In Pro Per
9 California State Bar No: 120696
10 7221 Draper Avenue
11 La Jolla, California 92037
12 mbpullin@yahoo.com
13 (619) 954-6586
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STATE OF MONTANA

BOARD OF BAR EXAMINERS

33 South Last Chance Gulch, Suite 1B • P.O. BOX 577 • HELENA, MONTANA 59624
(406) 442-7660 Fax (406) 442-7763 Web Site: www.montanabar.org

April 5, 2021

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BAR ADMISSIONS ADMINISTRATOR

KATHIE LYNCH
P.O. Box 577
Helena, MT 59624
klynch@montanabar.org

Mark Buckner Pullin
7221 Draper Avenue
La Jolla, CA 92037

Dear Mark:

Congratulations! I am pleased to inform you the Montana Board of Bar Examiners has determined you were **successful** in passing the February 2021 Montana Bar Examination. **Your UBE score was: 300.**

At this time however, **you are not eligible to be sworn-in and admitted** because we have not received a **certified qualifying** Multistate Professional Responsibility Examination (MPRE) score. Once a qualified MPRE score has been certified to our office, you will be able to remit your dues to the State Bar of Montana and can be sworn-in by contacting the Clerk of the Montana Supreme Court. **You cannot practice law in Montana** until you have met **all the requirements** for admission and have been sworn in. Once you obtain your MPRE requirement you will be given specific instructions on how to get sworn-in. Please **keep your contact information updated** with our office.

Per Section VII(B)(1) of the Rules for Admission, **your qualifying MPRE score must be received no later than nine (9) months from the date of this letter.** You will need a scaled score of 80 or higher to qualify for admission to the State Bar of Montana.

I look forward to receiving your MPRE score soon. You may contact the **National Conference of Bar Examiners** for their testing dates at **(319)341-2500** or online at **www.ncbex.org**. Contact me upon receipt of your qualified MPRE score and I will provide you with information regarding the swearing-in process.

Once again congratulations on your great achievement! Please contact me at (406) 447-2210 or **klynch@montanabar.org** if you have questions or need further information.

Sincerely,

KATHIE LYNCH
Bar Admissions Administrator

Exhibit 1

From: Mark Pullin <mbpullin@yahoo.com>
Subject: Fw: MPRE score [ref:_00Dt0TZax._500t0kS4sh:ref]
Date: July 15, 2021 10:47:52 AM PDT
To: Copycove Info <info@copycove.com>

Please print this email chain.

Regards,
Mark Pullin

----- Forwarded Message -----

From: State Bar of California - Admissions <admissions@calbar.ca.gov>
To: mbpullin@yahoo.com <mbpullin@yahoo.com>
Sent: Friday, June 11, 2021, 10:52:18 AM PDT
Subject: RE: Fw: MPRE score [ref:_00Dt0TZax._500t0kS4sh:ref]

Dear Mark,

The MPRE is copyrighted by the National Conference of Bar Examiners and the State Bar of California is not authorized to provide applicants with their MPRE score.

Sincerely,

The Office of Admissions

----- Original Message -----

From: Mark Pullin [mbpullin@yahoo.com]
Sent: 6/9/2021 2:42 PM
To: admissions@calbar.ca.gov
Subject: Fw: MPRE score [ref:_00Dt0TZax._500t0kS4sh:ref]

Dear Sir/Madam,

Can you provide me with my raw score? See below.

Regards,
Mark Pullin
SBN: 120696

Exhibit 2
1. A 3

----- Forwarded Message -----

From: Pullin, Mark <mark.pullin@sdcourt.ca.gov>
To: mbpullin@yahoo.com <mbpullin@yahoo.com>
Sent: Wednesday, June 9, 2021, 02:24:54 PM PDT
Subject: FW: MPRE score [ref:_00Dt0TZax._500t0kS4sh:ref]

From: State Bar of California - Admissions <admissions@calbar.ca.gov>
Sent: Tuesday, May 18, 2021 11:07 AM
To: Pullin, Mark <Mark.Pullin@SDCourt.CA.Gov>
Subject: RE: MPRE score [ref:_00Dt0TZax._500t0kS4sh:ref]

Dear Mark,

Upon review of your records, we have located your August 1984 MPRE raw score. Unfortunately, your scaled score is not part of the record. The National Conference of Bar Examiners started providing a MPRE score distribution chart to jurisdictions to translate raw scores to scaled scores in 1986. Unfortunately, there is no score distribution chart before 1986; therefore, we cannot complete your request to transfer your MPRE score to the Montana Bar.

Sincerely,

Office of Admissions
The State Bar of California | 180 Howard St. | San Francisco, CA 94105
415.538.2300 | Fax: 415.538.2304 | Admissions@calbar.ca.gov

From: Pullin, Mark <Mark.Pullin@SDCourt.CA.Gov>
Sent: Monday, April 12, 2021 10:02 AM
To: Attorney Regulation <AttorneyRegulation@calbar.ca.gov>

Exhibit 2

Subject: MPRE score

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam:

I completed the MPRE back in 1984 or 1985 when I first passed the CA bar. I just passed the Montana bar - the Uniform Bar Exam. They want proof of my score for the MPRE. The National Conference of Bar Examiners only keeps scores back to 1999, and they recommended I contact you. Can you help locate my score for the MPRE?

Please email me at mbpullin@yahoo.com .

Thank you in advance,

Mark Buckner Pullin

Bar No. 120696



ref:_00Dt0TZax._500t0kS4sh:ref



Exhibit 2
2.83