

FILED

October 13 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

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IN THE SUPREME COURT OF THE STATE OF MONTANA

No. PROC-0422

FILED

OCT 13 2011

IN RE PETITION OF LINDSAY ABERNETHY
FOR PERMISSION TO CARRY FORWARD
JULY 2011 BAR EXAM SCORES TO THE
JULY 2012 BAR EXAM

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PETITION

COMES NOW, Lindsay Abernethy, and respectfully petitions this Court for permission to carry forward successful scores on the Montana Essay Exam ("MTEE") and the Multistate Performance Test ("MPT") from the July 2011 bar exam to the July 2012 bar exam.

Pursuant to the 2005 Rules for Admission to the Bar of Montana, § III.D. *Transferring Scores Obtained on Earlier Exams* posted on the Montana State Bar website (<http://www.montanabar>), it directs that MTEE and MPT scores may be carried forward to the next semiannual administration of the Montana bar exam. However, § VII.A *Administration* states that the Supreme Court is the final authority on who is admitted to practice law in Montana, and reserves the right to waive any stated requirements.

I respectfully request that the Court waive the requirement that scores be permitted to transfer only to the next administration of the Montana bar exam, and allow my successful MTEE and MPT scores to carry forward to the July 2012 administration of the Montana bar exam due to the extenuating circumstances listed below.

FACTS

The facts are as follows:

1. Prior to the July 2011 administration of the Montana bar examination, I made plans with my sister to relocate and join her in Colorado to combine efforts and create a small animal welfare, not-for-profit organization.
2. Despite my plans to leave Montana in the short-term, I had hoped to take and pass the Montana bar examination in July 2011 so that I may continue close ties with the state and secure the possibility of moving back to Montana in the future if I so desired.
3. Since the time that these decisions were made, my sister has placed her home in Atlanta, Georgia on the market, and I have given up my residence in Missoula, Montana in anticipation of a move to Colorado in September 2011.
4. My intentions were to take the Colorado bar examination in February 2012 so that I could begin seeking full-time employment in the legal profession in that state as soon as possible.
5. My scaled scores on the July 2011 Montana bar exam were a 132 on the MTEE, a 113 on the Multistate Essay Exam ("MEE"), a 131 on the MPT and a 122 on the Multistate Bar Exam ("MBE") for an overall combined score of 124.

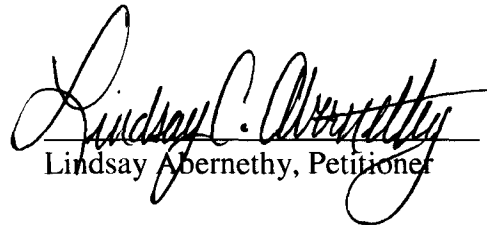
CONCLUSION

My inability to pass the July 2011 Montana bar exam has hindered my search for full-time employment in the legal profession and created substantial financial hardships such that I cannot carry through with the plans listed above. I have suspended all plans to relocate and am currently living with a friend, at reduced rent, in Missoula. I do not plan to look for full-time employment until the spring so that I may focus solely on passing a February 2012 bar exam, either in Montana or Colorado.

If permission to carry forward successful scores is granted, I plan to take the Colorado bar exam in February 2012. Should I obtain an MBE score of 130 or higher, I plan to transfer that score to Montana and just sit for the MEE portion of the Montana bar exam in July 2012. Should I not be granted permission to carry forward my two successful scores, I will be inclined to sit for Montana in February 2012 rather than taking the Colorado exam. This scenario will further set back my search for employment in the state where I hope to live and work in the short-term, Colorado, due to the fact that I will not be licensed until, at the earliest, April 2012. Furthermore, if I take the Montana bar exam in February 2012, I will be forced to take the MBE portion of the exam two more times, once in Montana and once in Colorado, as opposed to just once more because Colorado does not accept an MBE score obtained in any other state. Only having to take the MBE one more time in Colorado in February will allow all of my focus to be on the MEE portion of the Montana July 2012 bar exam, likely increasing my chances of success. The financial strain will also be significantly less because I will not have to pay for all four portions of the Montana bar exam.

WHEREFORE, Petitioner requests this Court permit Petitioner's MTEE and MPT scores from the July 2011 bar exam be carried forward to the July 2012 bar exam.

Dated this 12th day of October, 2011.


Lindsay Abernethy, Petitioner

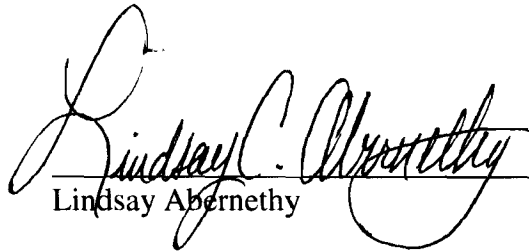
CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was mailed via first-class mail
upon the following:

The Montana Supreme Court
Attention: Mr. Ed Smith
P.O. Box 203003
Helena, Montana 59620-3003

State Bar of Montana
Attention: Ms. Vanessa Sanddal
P.O. Box 577
Helena, Montana 59624

Dated this 12th day of October 2011.


Lindsay Abernethy