

IN THE SUPREME COURT OF THE STATE OF MONTANA

SUPREME COURT CAUSE NO. PR06-0422

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FILED

DEC 18 2023

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN RE:

Bar Applicant:

Kelly Lamb

**PETITION TO SIT
FOR FEBRUARY 2024
EXAM**

I. INTRODUCTION

Comes now, Montana State Bar Applicant Kelly Lamb, respectfully petitions this Honorable Court for reexamination for the Montana Bar Exam. Kelly Lamb (“Applicant”) graduated from the Alexander Blewett III School of Law at the University of Montana in May of 2022. 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 to be administered in February of 2024. 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

Applicant secured employment at a law firm in May of 2022, contingent on Applicant passing the UBE. In early June of 2022, Applicant sought medical attention for continual jaw pain and dental sensitivity. On June 30, 2022, Applicant had sedative dental surgery due to a failed root canal. This surgery led to a major interruption of Applicant’s ability to study for a week after surgery due to post-care recovery. Applicant’s first unsuccessful attempt on the UBE was in July of 2022. Applicant failed the UBE but was offered a position at the same law firm as a temporary legal assistant until the next UBE could be administered.

Applicant’s employer encouraged Applicant to work part time, 20-30 hours per week, during the study period leading up to the examination. Not wanting to jeopardize his employment, Applicant complied. Employer allowed Applicant to fully focus on studying for the two weeks prior to the examination. Applicant was unsuccessful on his second attempt at the UBE due to this imbalance of priorities. Applicant remained employed until results of his second UBE attempt were released.

Starting around mid-May of 2023, Applicant began feeling familiar sharp pains in his lower abdomen. Applicant had undergone two inguinal hernia repair surgeries, the first in 1999, and the second in 2019. Prior to the second surgery, Applicant's surgeon disclosed that hernia repair failures were not uncommon and that each subsequent repair would increase the chances of failure overtime. In June of 2023, Applicant discussed his concerns that his second surgery had failed with his primary care provider. Applicant's physician conducted an examination and concluded that the hernia repair had failed. Applicant discussed with his physician non-surgical options. Core muscle strength training could, over time, help minimize the instances of sharp, sudden, and unpredictably timed pain caused by the hernia. Since that appointment, Applicant has diligently worked on core muscle strength training. However, during his third UBE in July of 2023, only a month after his discussion with his physician, Applicant had multiple occurrences of hernia pain during the administration of the UBE. The pain was enough for Applicant to lose his focus at several points during the examination. As of the submission of this petition, Applicant has had very few instances of hernia pain since the July 2023 UBE, likely due to his focus on core muscle strength training as suggested by his physician.

This Honorable Court should grant Applicant's petition for the following reasons. First, Applicant is still considered a "student applicant" as he has not yet held a license to practice law. Second, Applicant has already taken steps to minimize health issues that may affect his ability to take the UBE without incident. Third, Applicant has foregone all employment opportunities to ensure proper examination preparation time by focusing only on passing the UBE.

III. STUDY PLAN

For all previous UBE attempts, Applicant has used the Themis Bar Review program. Applicant understands that both professors and Bar Review administrators recommend that examinees not work during the exam preparation period. Applicant has foregone all employment to fully dedicate himself to exam preparation. As previous attempts with Themis have been unsuccessful, Applicant will utilize the Barbri Bar Review Program.

Applicant recognizes that he struggles with test anxiety and has sought advice from his physician about how to deal with this anxiety. Applicant's physician has discussed lifestyle changes and prescribed medication to help minimize this anxiety. Applicant has followed his physician's advice regarding lifestyle changes, including regular exercise and meditation.

A. Multistate Essay Exam (MEE)

Applicant has received and reviewed the comments provided by MEE graders from previous UBE attempts. Applicant plans to put additional time into his essay writing skills as the MEE has been the most challenging portion of the UBE for him. Applicant will work with Barbri instructors to improve his skills.

B. Multistate Performance Test (MPT)

Of the two written portions of the UBE, Applicant has done better on the MPT than the MEE. Applicant will practice MPT questions more regularly during the study period than he has in the past under the Themis bar review program. Applicant will work with Barbri instructors to improve his ability to score high marks on this portion of the UBE.

C. Multistate Bar Exam (MBE)

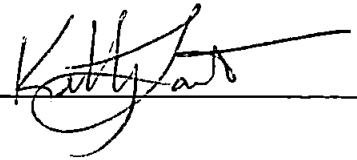
The MBE has proven to be the strongest section for Applicant in all past UBE attempts. Applicant recognizes that the MBE accounts for 50% of the UBE score and will not let the fact that the MBE is his strongest section reduce his focus on studying for this section.

IV. CONCLUSION

For the reasons above, Applicant respectfully requests that this Honorable Court grant this petition. Applicant has dedicated his time and

effort for nearly a decade to become an attorney so that he may have a positive impact on the lives of fellow Montanans. Applicant asks the Court to allow him one additional chance to become a licensed attorney in the State of Montana.


Respectfully submitted this 15th day of December 2023.

By:  _____

CERTIFICATE OF MAILING

I, Kelly Lamb, do hereby certify that I did on the 15th day of December 2023, file a true and correct copy of the foregoing **PETITION FOR REEXAMINATION** with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing **PETITION FOR REEXAMINATION** upon the State of Montana Board of Bar

Examiners and the Montana Supreme Court as follows:

By: 
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