

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 06-0422

IN THE MATTER OF THE PETITION OF
LINDSAY ABERNETHY.

O R D E R

Lindsay Abernethy resides in Colorado. She took and obtained passing scores on the Montana Essay Exam (MTEE), the Multi-State Essay Exam (MEE), and the Multi-State Performance Exam (MPT) during the July 2011 Montana Bar Exam testing. In October 2011, she petitioned this Court for permission to carry forward her passing scores on the MTEE and MPT exams to the July 2012 Montana Bar Exam, indicating that she planned to sit for the MEE portion of the exam at that time. We granted that petition. Then, in February 2012, Abernethy sat for the Multi-State Bar Exam (MBE) in Colorado, and received a high passing score.

Abernethy has now petitioned to also carry forward her successful score on the MEE which she obtained during the July 2011 Montana Bar Exam testing, and to average that score, along with the passing scores of the MTEE and MPT she previously obtained permission to carry forward, with the passing MBE score she received in the 2012 Colorado testing. Rule III.D.1. of the Rules of Admission provides that "A MBE scaled score from any testing site may be carried forward from three years prior to the date of the Montana Bar Examination." Her MBE score has been certified as required by the Rule. Granting this relief would potentially permit Abernethy, depending upon final scoring calculations, to be admitted to the Bar without further testing, and alleviate the necessity of her taking the MEE during the July 2012 Montana Exam testing.

Although the cited Rule does not specifically state that a MBE score from another testing site can be averaged with Montana scores, there would be no other reason to permit such MBE score to be carried forward if it could not also be averaged. Beyond that, the only other relief Abernethy seeks is to also carry forward her passing MEE score from the July 2011 testing. Good cause appearing,

FILED

JUN - 5 2012


Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IT IS HEREBY ORDERED that Lindsay Abernethy's petition for leave to carry forward her score on the MEE from the July 2011 bar examination, and to average that score, along with the passing scores of the MTEE and MPT she previously obtained permission to carry forward, with the passing MBE score she received in the 2012 Colorado testing, is GRANTED.

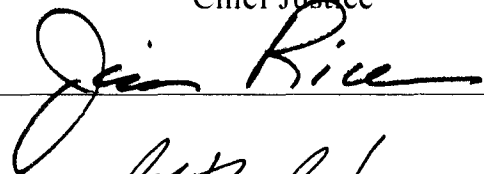
Although Abernethy also requests that she be granted admission to practice law in Montana, we defer to the Board of Bar Examiners to calculate Abernethy's examination score and to determine whether she has satisfied the requirements for passage. Abernethy will also need to comply with all other rules before becoming eligible for admission to the State Bar.

The Clerk is directed to mail a copy hereof to Lindsay Abernethy and to the Bar Admissions Administrator of the State Bar of Montana.

DATED this 27th day of June, 2012.



Chief Justice



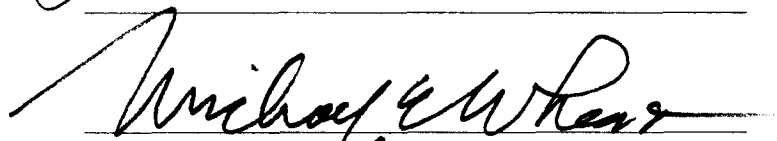
Justice



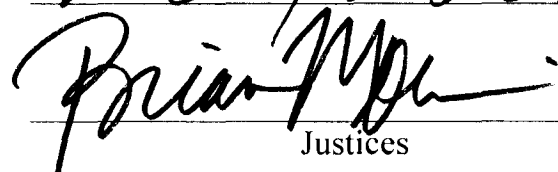
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