Tennessee Board of Law Examiners
Statement of Policies and Procedures

1. For all Applications:

   a) An application filed with the Tennessee Board of Law Examiners (TBLE) but not filed with the National Conference of Bar Examiners (NCBE) is not a complete application. Applicant will not be approved to sit for the examination or for admission until the application is submitted to both organizations. However, an application to be admitted under Article 10 of Rule 7 for In-House Counsel does not have to be submitted to the NCBE but must be prepared using the NCBE online site with the NCBE forms for Tennessee.

   b) Until you are admitted to the Tennessee Bar or your application is otherwise terminated, you are under a continuing obligation to keep your application current and must update responses whenever there is an addition to or a change in the information previously provided to the Board of Law Examiners. An application on file for two or more years must be supplemented before moving forward in any step of the admission process. Applicant must request an updated NCBE Character report every two years the application is open.

   c) Fees must be paid in full and cannot be waived. Additionally, fees are non-transferable. If an applicant withdraws from an exam prior to the date of the exam, Applicant might be entitled to a partial refund; the balance of the fee is administrative and cannot be applied to future applications for admission, regardless of the type of application.

   d) The Certificate of Eligibility is evidence that the Applicant has met all criteria for licensing. In order to be eligible to practice law, Applicant must take the oath as prescribed by Tenn. Sup. Ct. R. 6 and complete the “activation process” with the Board of Professional Responsibility.

   e) Completion of an Application to the Bar of Tennessee constitutes Applicant’s permission allowing the TBLE to release Applicant’s name, address and email address to Bar and professional legal associations in Tennessee, as approved by the Board, and, for applications for admission by examination, Applicant’s name and exam result (Pass/Fail) to the law school from which Applicant graduated. (Added at the March, 2014 Board Meeting).

2. Applications by Examination:

   a) After the February, 2013, examination, a Notice of Intent will no longer be required. A new form has been adopted for the Tennessee Supplement.

   b) Applicants to the Bar of Tennessee are responsible for ensuring that all documents are submitted to the Board of Law Examiners in a timely manner. Applicants may be notified by the Board that there is a deficiency in the file; however, such notification is a courtesy. Failure of the Board to notify an applicant of a deficiency does not entitle the
Applicant to an extension of time to submit the required documentation. The Board strongly recommends Applicants use a mailing service with tracking or delivery confirmation as the Board cannot immediately verify receipt of a document by mail. The final deadlines require submission of original documents or online filing of documents as will be set forth in Rule 7. A fax or email of a document for which the original is required will not satisfy a deadline. **All items must be RECEIVED by the TBLE on or before the final deadline to be eligible to sit for the examination. A postmark on or before the deadline does not constitute timely receipt unless actually received by the TBLE by the deadline.** (Adopted at July, 2013 Board Meeting; amended at the March, 2014 Board Meeting)

c) The Board strongly discourages Applicants from waiting until the final deadline to submit an application. If anything is missing, Applicant will not be eligible to sit for the examination. (Adopted at July, 2013 Board Meeting)

d) Fees must be paid in full prior to the final deadline or the application is not complete. Your cancelled check is your receipt. (Adopted at July, 2013 Board Meeting; amended at the March, 2014 Board Meeting to conform to 2(b))

e) Applicant must achieve a passing score of 75 or higher on the MPRE within 2 years of successfully completing the Tennessee bar examination; provided, however, that an applicant who is licensed by examination in one or more jurisdictions and in good standing in such jurisdictions, may submit certified proof of a passing MPRE score of 75 or higher that is more than two years prior to a successful Tennessee bar examination. (Amended at the July, 2014, Board meeting and approved by the Supreme Court September 26, 2014).

f) Applicants who successfully complete the bar examination and otherwise meet all admissions criteria must be admitted and take the oath within two (2) years of passing the Tennessee bar exam. All scores and investigations must be updated after two years.

g) **REINSTATEMENT OF LICENSE:** In accordance with Tenn. Sup. Ct. Rule 9, §§ 19 and 20, a petitioner requesting reinstatement of a license to practice law, after having been suspended, disbarred or assumed inactive status, must first petition for reinstatement and may not take the Bar examination in advance of a determination of such petition absent order from the Supreme Court. Upon entry of the order of the Supreme Court directing the petitioner to take the bar exam, the petitioner must apply for examination as required of any other applicant with the same fees and deadlines and forms, including the NCBE application and background check, and attach a copy of the order directing petitioner to take the examination. Because of the change in the content of the examination and the scoring of the examination, a petitioner who is ordered to take the Tennessee Bar examination must take the full examination. (Adopted at the June, 2013, Board Meeting)

h) **Photo Upload with Applications:** Beginning with the application for the July 2015 examination, all applicants must upload a passport-type photo with the application on or before the deadline for submitting applications. A photo submitted after the timely
deadline will result in a late fee being assessed. (Adopted by the Board at the January 7, 2015 meeting).

i) **Foreign-Educated Applicants:** Applicants who completed a course of study in and graduated from a law school in a foreign country must submit a course-by-course evaluation from either World Education Services (www.wes.org) or Educational Credential Evaluators, Inc. (www.ece.org). Foreign transcripts will no longer be accepted. This will be a requirement for all foreign educated applicants, even those who sat for or previously have been approved to sit for the exam. Additionally, the U.S. law school at which the applicant studied must submit a completed Certification of Dean of Legal Studies in the United States on or before the deadline for filing applications. (Adopted by the Board at the January 7, 2015 meeting).

3. **Grading of Examinations:**

   a) **GRADING:** Applicants must achieve a score of 270 or higher in order to successfully complete the Tennessee bar examination. The Multistate Bar Examination (MBE) counts for 50% of the score; the Multistate Performance Test (MPT) plus the 9 Tennessee essays together constitute 50% of the score. The MPT is the equivalent of 3 essay questions or 12.5% of the score; the remaining essay questions are 37.5% of the score. The TBLE does not re-grade the MPT or essay questions. Grades are released only to Applicants who are not successful on the examination.

   b) The TBLE will not search for your answers or make changes to incorrectly formatted or numbered essay questions resulting from failure to follow the laptop testing or answer booklet instructions, including typing an answer in the wrong space or deleting, adding, editing or renumbering the preloaded dividers, or writing multiple answers in one answer booklet or incorrectly numbering an answer booklet. The answer will be given to the grader assigned to grade the question indicated on the cover sheet or booklet cover of the answer. If the answer does not match the question or is blank, Applicant will receive a zero for that question. (Adopted at the August 12, 2013, Board Meeting)

   c) In order to provide unsuccessful applicants some insight regarding areas that require additional study, the Board will report the following scores to unsuccessful applicants: the overall total Tennessee Bar Examination score, the MBE scaled score, the total scaled essay score and the raw scores for the individual essays. There is no change in the information reported to successful candidates. The raw scores are assigned by a local grader on a scale of 1 to 6, with a zero assigned if no attempt was made to answer the essay or the attempt was completely incorrect. The score given for the MPT is 12.5% of the total scaled score (25% of the total essay component) and the remaining 9 essays account for 37.5% of the total scaled score (75% of the essay component); the MBE is 50% of the total scaled score. (Adopted at the June, 2013, Board Meeting)

   d) The essay questions from the four most recent bar exams are posted on our website at [www.tnble.org*](http://www.tnble.org*). Essay questions are posted as soon as possible after grade release. (New website effective March 4, 2015)
4. Use of Laptop for Essay Examination:

LAPTOP TESTING: Applicants who wish to take the examination by laptop will be permitted to do so only if the complete application (Application for examination or reexamination, Tennessee Supplement, attachments and full fee payment) is filed with the Board of Law Examiners before or with the Laptop Testing Form and Release of Liability.

5. Advisory Opinions:

The TBLE does not give advisory opinions.

6. Interviews:

a) Interviews of Applicants seeking admission by examination must appear for a personal interview. In cases of extreme hardship, the Applicant may file a written request with the TBLE for a telephone or Skype interview. The interviewer must agree to the request before it will be approved. The request must include an explanation as to why the Applicant cannot appear in person at the interview. The preference of the Board is for the interview to be conducted in person or by Skype or similar distance conferencing program.

b) The requirement to be interviewed cannot be waived. Applicant will not be eligible for licensing until the interview has been completed.

c) If an Applicant was interviewed more than 2 years prior to the time the Applicant becomes eligible for admission, the Applicant must submit a written request for another interview.

d) The preference of the Board is for the interview to be conducted in person and will consider moving an interview to another county if necessary to accomplish this goal. An applicant may request in writing by email to BLE.Administrator@tncourts.gov an interview in a different Tennessee county if the request is made within 10 calendar days following the most recent bar examination and the applicant explains why the change is necessary. The Board will notify applicant if the request is approved.

(Adopted by the Board at the January 7, 2015 meeting).

7. Reference Letters:

If a recommendation letter is from a relative, that fact must be disclosed in the letter. An Applicant’s parents, grandparents, siblings or spouses who are practicing attorneys may not submit a recommendation letter.

8. Non-Standard Testing Accommodations:

It is the policy of the Tennessee Board of Law Examiners (“Board”) to administer the bar examination in a manner that does not discriminate, on the basis of disability, against a qualified applicant with a disability. An applicant who is otherwise eligible to take the Tennessee bar examination may file a request for non-standard testing accommodations (herein, “NST Petitions”) if, by virtue of a disability, the applicant cannot demonstrate, under standard testing conditions, that the applicant possesses
the essential skills and aptitudes that the Supreme Court of Tennessee and the Board have determined are appropriate to require for admission to the practice of law in Tennessee. The process for submitting an NST Petition is attached hereto as Appendix A.

In deciding NST Petitions submitted by bar examination applicants, the Board relies upon the following definition of disability contained in the Americans with Disabilities Act Amendment Act (ADAAA): A “disability,” as used herein, is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Thus, merely having an impairment does not make an individual disabled for purposes of the ADAAA and does not automatically qualify a bar applicant for an accommodation. To qualify under ADAAA, an applicant must demonstrate that the impairment limits a major life activity and that the limitation of the major life activity is "substantial." The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, with the exception of ordinary eyeglasses or contact lenses. The determination of a disability by the Board is an individualized inquiry and will be made on a case-by-case basis, per individual and per examination administration.

As used herein, “accommodations” means any reasonable change to the standard administration of the examination awarded to an applicant who has submitted a request for non-standard testing accommodations. Reasonable accommodations will be provided to applicants determined to have a disability. A reasonable accommodation is an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant’s disability without doing any of the following:

- imposing an undue burden on the Board;
- resulting in a deleterious effect on other applicants taking the bar examination;
- compromising the security of the examination; and/or
- compromising the integrity, the reliability, or the validity of the examination.

(Adopted by the Board by unanimous electronic vote February 25, 2015)


APPENDIX A: PROCEDURE FOR APPLYING FOR NON-STANDARD TESTING ACCOMMODATIONS (Item 8, Feb. 2015)

REQUESTS FOR NON-STANDARD TESTING ACCOMMODATIONS:

A. **Regular Requests:** A regular NST Petition shall be on forms prescribed by the Board and shall consist of all of the following:
   i. a statement of the applicant, including a description of the applicant’s disability and the testing accommodations requested;
   ii. a statement on the prescribed form from the applicant’s medical or psychological physician or licensed professional in the field related to the applicant’s claimed disability;
   iii. a statement on the prescribed form from any educational institution that provided testing accommodations to the applicant while the applicant attended the educational institution;
   iv. a statement on the prescribed form from the testing authority that provided testing accommodations to the applicant on the LSAT, MPRE or bar examination in another jurisdiction; and
   v. such additional documentation for specific disabilities as detailed in Appendices 1, 2, and 3.

B. Upon request, the applicant shall submit an authorization for release of records from the medical and/or psychological authorities who provided statements to the Board if the Board reasonably determines that access to those records is reasonably necessary to determine whether an applicant’s condition meets the criteria for a disability set forth in this policy.

C. Applicants requesting **additional testing time** must submit documentation from applicant’s physicians or other licensed professionals that details the basis for the requested additional time and the amount of additional time recommended. If a specific amount of additional time is not indicated, applicant’s request may not be approved due to insufficient information. Please note that double time testing is conducted in Nashville, Tennessee, for all exam administrations. Travel expenses to Nashville are the responsibility of the applicant.

D. All applicable items must be completed and received by the Board on or before the filing deadline for the current exam period. Each examination administration requires that an applicant submit a new request and supporting documentation. The application is specific to one examination administration and does not carry forward.

E. Applicants with disabilities have the responsibility to meet the same deadline for application as individuals without disabilities. As some of the forms require input from third parties, the Board suggests that applicants request the appropriate individuals complete the forms well in advance of the deadline for filing the application for non-
standard testing accommodations. Incomplete submissions may result in denial due to insufficient information. Materials related to accommodation requests must meet examination deadlines. Deadlines apply to receipt of all information, including documentation requested from third parties, and is a “received by” deadline, not a “postmarked by” deadline.

F. Emergency Requests
   a. An applicant may file an emergency NST Petition after the time prescribed in Paragraph E of this policy, above, but no fewer than 7 days preceding the scheduled bar examination, if all of the following conditions are met:
      i. the applicant’s Application to the Bar of Tennessee or Application for Re-examination was timely filed and complete in all other respects;
      ii. at the time of filing the Application to the Bar of Tennessee or the Application for Re-examination, the applicant did not have the disability;
      iii. after acquiring the disability, the applicant promptly submits both of the following:
         1. an emergency request on a form prescribed by the Board, providing the date and circumstances under which the disability arose; and
         2. a complete NST Petition.

G. FORMS: All forms necessary to complete a regular or emergency NST Petition are available on the Tennessee Board of Law Examiners website.

H. An applicant may be required to submit to independent diagnostic testing at the Board’s expense, by a physician or specialist selected by the Board. The Board may also, at its expense, have the information submitted by the applicant evaluated by a physician or specialist selected by the Board.

I. All Reasonable Accommodations granted by the Board will be provided at no additional testing cost to the applicant. Accommodations granted in other jurisdictions or by Tennessee previously do not entitle an applicant to accommodations for the current administration of the Tennessee bar exam.

J. Applicant’s Burden of Proof under the ADAAA. The burden of proof is on the applicant to establish a disability as defined by the ADAAA and to establish the need for non-standard testing accommodations. Requests for testing accommodations are evaluated on a case-by-case basis. Applicants are required to complete the NST Petition in accordance with the instructions provided. The documentation necessary to support a request for testing accommodations varies with the nature of the disability. Documentation which sufficed in other testing situations or for prior Tennessee bar examinations may not be sufficient to support a request for accommodations for the current administration of the Tennessee bar examination. Applicants are encouraged to review the requirements in effect at the time of each administration of the examination.
K. CONFIDENTIALITY: All NST Petitions, supporting documentation, and information developed by the Board with respect to the requests shall remain confidential.

APPENDIX 1 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON LEARNING DISABILITY:

In order to be entitled to accommodations based on learning disability, the applicant’s specific learning disabilities must have been identified by an appropriate psychoeducational assessment process that is well documented in the form of a comprehensive diagnostic report. The provision of reasonable accommodations is based on assessment of the current impact of the disability on the specific testing activity. Although a learning disability normally is lifelong, the severity and manifestations can change. The Board generally requires documentation from an evaluation conducted within the past five (5) years and after the applicant’s eighteenth (18th) birthday in order to establish the current impact of the disability. Applicant must provide documentation that (s)he has a learning disability that substantially limits a major life activity, and the learning disability results in functional limitations that required accommodations in order to take the examination on an equal basis with other applicants for the examination.

The evaluation in the form of a comprehensive diagnostic report should include:

- An account of a thorough diagnostic interview that summarizes relevant components of the individual’s developmental, medical, family, social and educational history;
- Clear, objective evidence of a substantial limitation to learning or performance provided through assessment in the areas of cognitive aptitude, achievement and information processing abilities (results must be obtained on standardized test(s) appropriate for the general adult population and be reported in standard scores and percentiles);
- Interpretation of the diagnostic profile that integrates assessment data, background history, observations made during the evaluation process, as well as the inclusion or ruling out of possible coexisting conditions (such as previously diagnosed psychological issues, or English as a second language) affecting the individual’s performance;
- A specific diagnostic statement which should not include nonspecific terms such as “learning differences,” “learning styles” or “academic problems,” and
- A rationale for each recommended accommodation based on diagnostic information presented (background history, test scores, documented observations, etc).

**Formal Testing:** It is important that the tests used in the evaluation are reliable, valid, and age-appropriate, and that the most recent edition of each diagnostic measure is used. Scores should be reported as age-based standard scores and percentiles. The following list
of tests is provided as a guide to assessment instruments appropriate for the adult population. It is not intended to be all-inclusive and will vary with the needs of the individual being evaluated:

1. **Aptitude/Cognitive Ability**
   - Wechsler Adult Intelligence IV (WAIS IV) (or most current version, including IQ, Index and scaled scores)
   - Woodcock-Johnson III (WJ III): Tests of Cognitive Abilities
   - Stanford-Binet Intelligence Scale (4th Ed.)
   - Kaufman Adolescent and Adult Intelligence Test
   f) Please note: The Slossen Intelligence Test and the Kaufman Brief Intelligence Test are primarily
   g) screening instruments and should not be considered comprehensive measures of aptitude/cognitive ability.

2. **Achievement**
   - Woodcock-Johnson III (WJ III): Tests of Achievement
   - Wechsler Individual Achievement Test (WIAT)
   - Scholastic Abilities Test for Adults (SATA)
   h) Please note: The Wide Range Achievement Test: Third Edition (WRAT-3), the Peabody
   i) Individual Achievement Test (PIAT, PIAT-R) and the Nelson-Denny Reading Test (timed and untimed) are not comprehensive measures of academic achievement and should not be used as sole measures in this area.

3. **Information Processing**
   - Wechsler Memory Scale-III
   - Swanson Cognitive Process Test (S-CPT)
   - Test of Adolescent/Adult Wordfinding (TAWF)
   - Information from subtest, index and/or cluster scores on the WAIS-III (Working Memory; Perceptual Organization; Processing Speed) and/or the Woodcock Johnson III (WJ III): Tests of Cognitive Ability; (Visual Processing; Short Term Memory; Long Term Memory; Processing Speed) and/or The Detroit Tests of Learning Aptitude-Adult (DTLA-A) as well as other neuropsychological instruments that measure rapid automatized naming and/or phonological processing.

**APPENDIX 2 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON ATTENTION DEFICIT/ HYPER-ACTIVITY DISORDER (AD/HD):**

The provision of reasonable accommodations is based on assessment of the current impact of the disability on the specific testing activity. The Board generally requires documentation from an evaluation conducted within the past three (3) years and after the applicant’s
eighteenth (18th) birthday in order to establish the current impact of the disability. The diagnostic criteria as specified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV-TR)(or most current version) are used as the basic guidelines for determination of Attention Deficit/ Hyperactivity Disorder (AD/HD) diagnosis. The diagnosis depends on objective evidence of AD/HD symptoms across the applicant’s development and cause the applicant clinically significant impairment within multiple environments. An applicant self-report alone is generally insufficient to establish evidence for the diagnosis. An applicant warranting an AD/HD diagnosis should meet basic DSM-IV-TR criteria including:

- Sufficient numbers of symptoms (delineated in DSM-IV-TR) of inattention and/or hyperactivity-impulsivity that have persisted for at least six months to a degree that is “maladaptive” and inconsistent with developmental level. The exact symptoms should be described in detail.
- Objective evidence that symptoms of inattention and/or hyperactivity-impulsivity that caused impairment were present during childhood.
- Objective evidence indicating that current impairment from the symptoms is observable in two or more settings. There must be clear evidence of clinically significant impairment within the academic setting. However, there must also be evidence that these problems are not confined to the academic setting.
- A determination that the symptoms of AD/HD are not a function of some other mental disorder (such as mood, anxiety, or personality disorders; psychosis, substance abuse, low cognitive ability, etc.).
- Indication of the specific AD/HD diagnostic subtype; predominantly inattentive type, hyperactive-impulsive type, combined type, or not otherwise specified.

Formal Testing: AD/HD evaluation is primarily based on in-depth history consistent with a chronic and pervasive history of AD/HD symptoms beginning during childhood and persisting to the present day. The evaluation should provide a broad, comprehensive understanding of:

- the applicant’s relevant background including family, academic, social, vocational, medical, and psychiatric history;
- how AD/HD symptoms have been manifested across various settings over time;
- how the applicant has coped with the problems; and
- what success the applicant has had in coping efforts.

Psychological testing and self-report checklists cannot be used as the sole indicator of AD/HD diagnosis independent of history and interview. However, such findings can augment clinical data. They are particularly necessary to rule out intellectual limitation as an alternative explanation for academic difficulty, to describe type and severity of learning problems and to assess the severity of cognitive deficits associated with AD/HD (inattention, working memory, etc.).
APPENDIX 3 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON PSYCHOLOGICAL DISABILITY:

In order to be entitled to accommodations based on psychological disability, the applicant’s disability must have been identified by a comprehensive diagnostic/clinical evaluation that is well documented in the form of a comprehensive report. The report should include the following:

- psychiatric/psychological history
- relevant developmental, educational and familial history
- relevant medical and medication history
- results of full mental status examination
- description of current functional limitations in different settings
- results of any tests or instruments used to support the clinical interview and support the presence of functional limitations, including any psychoeducational or neuropsychological testing, rating scales, or personality tests, including but not limited to WAIS-III (all subscores and verbal and performance IQ, full scale score), Beck’s Depression Scale, Trailmaking Test A and B or Colorblack Trailmaking Test A and B, Minnesota Multiphasic Personality Inventory, Rorschach Psychodiagnostic Test, Thematic Apperception Test, or Million Clinical Multiaxial Inventory.
- diagnostic formulation, including discussion of differential or “rule out” diagnoses
- prognosis