

**Board
of
Law
Examiners**

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Legal Authorization:

Pa. Constitution Article V, § 10(c)
Pa.B.A.R. 104 (c) (3)

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History/Background

The Pennsylvania Board of Law Examiners holds the responsibility for recommending the admission of persons to the bar and thus the practice of law in Pennsylvania. Such responsibility includes reviewing admission applications, both for those wishing to sit for the bar examination and for those practicing attorneys from other states seeking admittance to the bar without sitting for the exam; administering the bar exam itself; and recommending rules pertaining to admission to the bar and the practice of law.

Seven members of the Pennsylvania Bar of the Supreme Court comprise the Board of Law Examiners. They serve regular terms of three years each and may be reappointed to second terms.

Board office staff includes the executive director, counsel to the board/supervising law examiner, an executive assistant and six administrative support staff. The board also employs seven examiners, who are responsible for writing and grading the Pennsylvania Bar Essay Examination, and 14 readers, who assist the examiners in grading the essay answers. Additionally, many proctors are employed temporarily to assist in the administration of the bar exam.

Bar Procedures

The Board of Law Examiners administers Pennsylvania's bar exam over two days twice a year, on the last Tuesdays and Wednesdays in February and July. In February the exam is held in King of Prussia and Pittsburgh. In July it is held in King of Prussia, Pittsburgh and Harrisburg.

The exam comprises two parts, an essay section, which is administered the first day, and the multiple choice Multistate Bar Examination (MBE), which is administered the second day.

The essay portion of the exam contains questions developed by the examiners and approved by the board. The subject matter covers a variety of subjects, and applicants are expected to demonstrate their knowledge of Pennsylvania law where applicable. Prior to July 2001, eight questions made up this section. Beginning with the July 2001 exam, however, this number was reduced to six, with the remaining two questions replaced by one question of the Multistate Performance Test (MPT).

The MPT is prepared by the National Conference of Bar Examiners (NCBE) and is designed to test an applicant's ability to use fundamental lawyering skills in situations that are comparable to those encountered in the practice of law. Some of the tasks an applicant might be required to complete in responding to a question include preparing or writing a memorandum to a supervising attorney, a letter to a client, a persuasive memorandum or brief, a statement of facts, a contract provision, a will, a counseling plan, a proposal for settlement, an agreement, a discovery plan, a witness examination plan or a closing argument.

The MPT score is weighted at one and a half times one essay question and combined with the scores for the remaining six essay questions. Applicants have 90 minutes to complete one MPT question.

The MBE is a national exam, prepared by the NCBE in conjunction with American College Testing. Its 200 questions are not Pennsylvania specific and cover contracts, criminal law, constitutional law, real property, evidence and torts.

Also effective with the July 2001 exam, separate passing scores for the essay and MBE portions of the exam are no longer required. Successful applicants for admission to the bar must attain a total combined scaled score of at least 272 with the essay portion weighted 55% and the MBE portion weighted 45%. In addition, applicants must also score at least 75 on the Multistate Professional Responsibility Examination (MPRE).

The MPRE is a standardized test used to demonstrate an applicant's knowledge of the professional responsibility and ethical obligations of the legal profession. Applicants may take it at any point during law school or their legal career prior to taking the bar exam. Indeed, they are encouraged to take it while in law school, shortly after they have completed a course on professional responsibility or ethics. They do, however, have up to six months after sitting for the bar exam to take it.

If an applicant is not successful on the MPRE within six months from the date results are released for the bar exam for which he/she sat, he/she will be required to submit to the board an Application for Supplemental Statement and for Character and Fitness as required under Pa.B.A.R. 231. This supplemental application process requires a character and fitness review and may take up to six months or longer to complete.

If an applicant is not successful on the MPRE within three years of the date his/her successful bar exam results were released, he/she must reapply for permission to sit for the bar exam, successfully retake the exam and meet all of the requirements at that time.

Grading the Bar Exam

At the conclusion of each bar exam, board staff send copies of the essay questions (including the MPT questions), the examiners' proposed analyses and the grading guidelines to representatives from each of the Commonwealth's law schools. The representatives circulate the questions and analyses to the respective professors who teach the subject material covered by the questions and solicit comments and suggestions from each. These comments and suggestions are then shared with the examiners and the board. The examiners use this feedback to revise their analyses and grading guidelines in order to grade the applicants' essay answers in the fairest and most equitable manner possible. Rereads are

automatically conducted for all applicants receiving a combined score of six points or less below passing, (i.e., 266-271).

The final draft of each question and analysis is forwarded to the board office, which then formats, edits and publishes it. Many unsuccessful applicants obtain copies of the questions and analyses along with copies of their own answers.

The MBE is graded by American College Testing.

The most recent results of the bar exam can be found on the Board of Law Examiners home page at www.pabarexam.org.

Application Approval/Denial and Hearing Process

In addition to passing the bar exam, prospective members of the bar of Pennsylvania must meet certain requirements relating to character and prior conduct. To aid the board in determining whether applicants have met such requirements, a candidate must file with the board office a written application setting forth those matters the board deems necessary. This includes background information pertaining to character, education and employment. Board office staff then review the applications, occasionally investigating further, to determine an applicant's fitness and qualifications.

If, upon initial review, the board's executive director finds that the applicant does not appear to possess the fitness and general qualifications requisite for a member of the bar, the applicant is notified in writing. Unless the denial was for scholastic reasons, the applicant then has 30 days to request a hearing appealing the denial. Present at the hearing are the applicant; the applicant's counsel, if he/she has retained counsel; and a board member who serves as the hearing officer. A stenographer is also present to record the hearing.

The length of each hearing varies, depending on the issues set forth; the number of issues involved; and the number of witnesses, if any, that testify. Only one applicant is considered at a hearing, and only applicants who are denied permission to sit for a bar examination or certification recommending admission may request one.

Approximately 20 hearings were held in 2001.

2001 Activities

Office staff processed approximately 2,800 applications for permission to sit for the bar exam and approximately 150 applications for admission on motion and for character and fitness determination.

Statistics for 2001, including a comparison with 2000's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 36 details the percentage of those passing the bar since 1991 while Chart 3.2.3 on page 37 is a comparison of the number of persons who have sat for the exam versus the number who have passed it over the past ten years.

The board met eight times in 2001 to review bar admission rules and recommend specific rule changes, review proposed essay questions and analyses, approve examination results, and set policy. It also held two semi-annual meetings, one following each of the two bar examinations, to review the essay exam questions, analyses and proposed grading guidelines.

Bridge-the-Gap Program

The Pennsylvania Supreme Court mandated that the Bridge-the-Gap (BTG) Program, developed jointly with the Board of Law Examiners, Disciplinary Board of the Supreme Court and the Continuing Legal Education Board,

become a post-admission requirement in 2001, administered by the Continuing Legal Education Board. This program takes the place of the BTG program previously required for all applicants seeking admission to the bar under Pa.B.A.R. 203 and 205. (For more information on the Bridge-the-Gap program see the Disciplinary Board of the Supreme Court on page 63.)

Admission applications	approx. 2,800
Sitting for February exam	661
Change from 2000	(47) (6.64)%
Persons passing February exam	355
Persons failing February exam	306
Passing Percentage	54%
2000 Passing Percentage	52%
Sitting for July exam	1,828
Change from 2000	(39) (2.09%)
Persons passing July exam	1,313
Persons failing July exam	515
Passing percentage	72%
2000 Passing Percentage	70%

Table 3.2.1

Board Recommendations

The board made the following recommendations to the Supreme Court in 2001:

Recommendation No. 1: Proposed amendment to Pa.B.A.R. 402 regarding **confidentiality**. The amendment would permit the board, upon request, to provide a law school with the names of applicants from its school who were not successful on the bar examination. All other records and actions of the board, with the exception of the names of applicants who were successful on the bar examination, will remain confidential.

Recommendation No. 2: Proposed amendment regarding the **Multistate Performance Test (MPT)**. The recommendation was made that the MPT, be replaced as a component of the essay portion of the bar examination with a

Performance Test (PT) developed by the board. Use of a board-developed PT question would become effective with the administration of the July 2002 examination.

Both amendments were approved by the Court.

Filing Fees

The filing fees charged for processing applications in 2001 are as follows:

- \$500 first-time filing fee
- \$650 late first filing fee
- \$950 second late filing fee
- \$1,350 final filing fee
- \$900 for admission on motion.

Looking Ahead to 2002

In May 2002 the Pennsylvania Board of Law Examiners will celebrate 100 years of

distinguished service to the Supreme Court of Pennsylvania. The Court, by *per curiam* order dated May 26, 1902, established a State Board of Law Examiners to provide for a uniform and standard system of bar admissions in this Commonwealth. A celebration will be held in March 2002 in conjunction with the board's semiannual meeting and will include attendance by distinguished guests such as justices of the Supreme Court of Pennsylvania, past board members and representatives from AOPC.

Contact Person

Anyone having questions about the Board of Law Examiners or the bar exam can contact the board office by calling (717) 795-7270 or by writing to 5070 Ritter Road, Suite 300; Mechanicsburg, PA 17055. AOPC

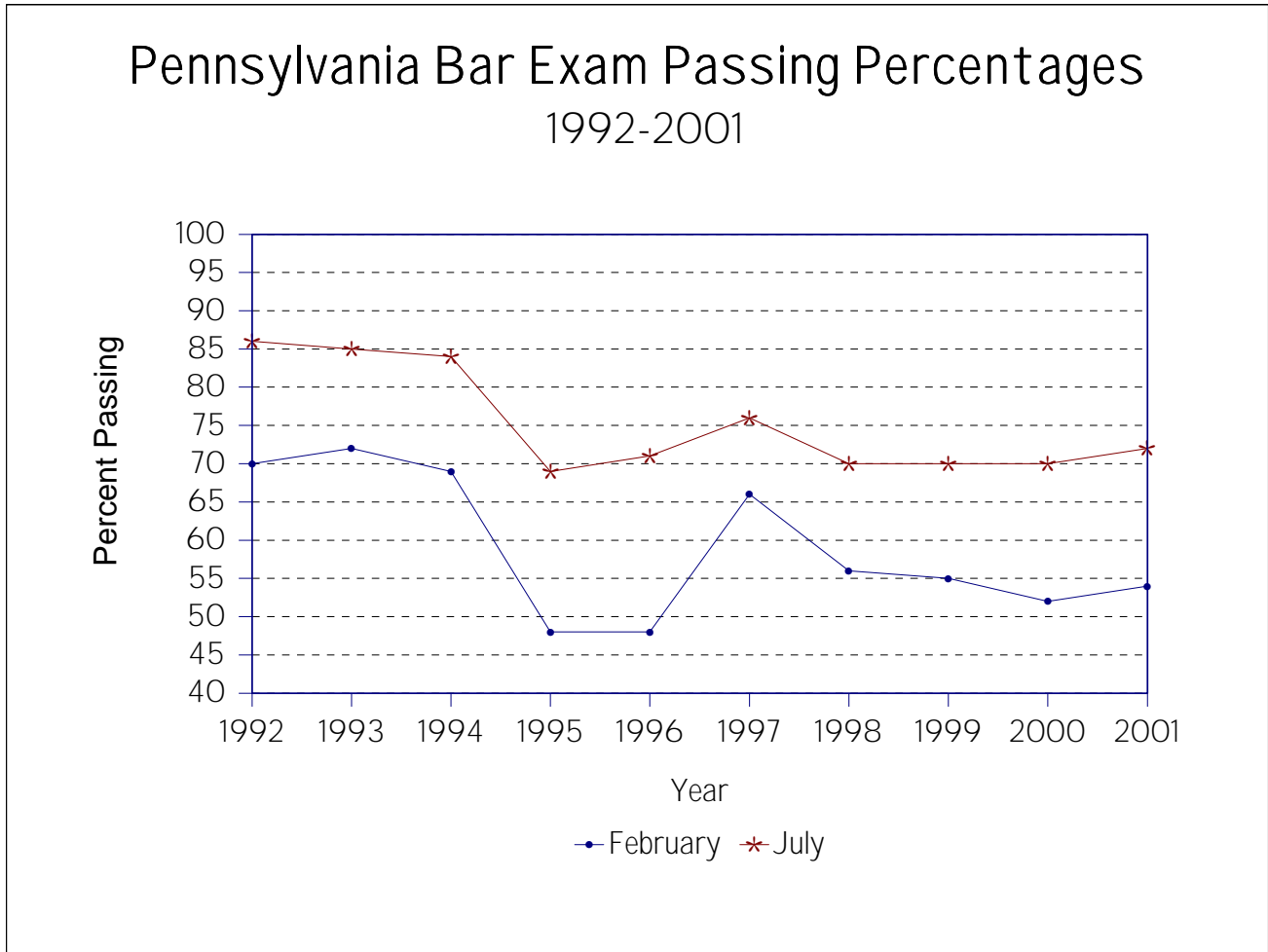


Table 3.2.2

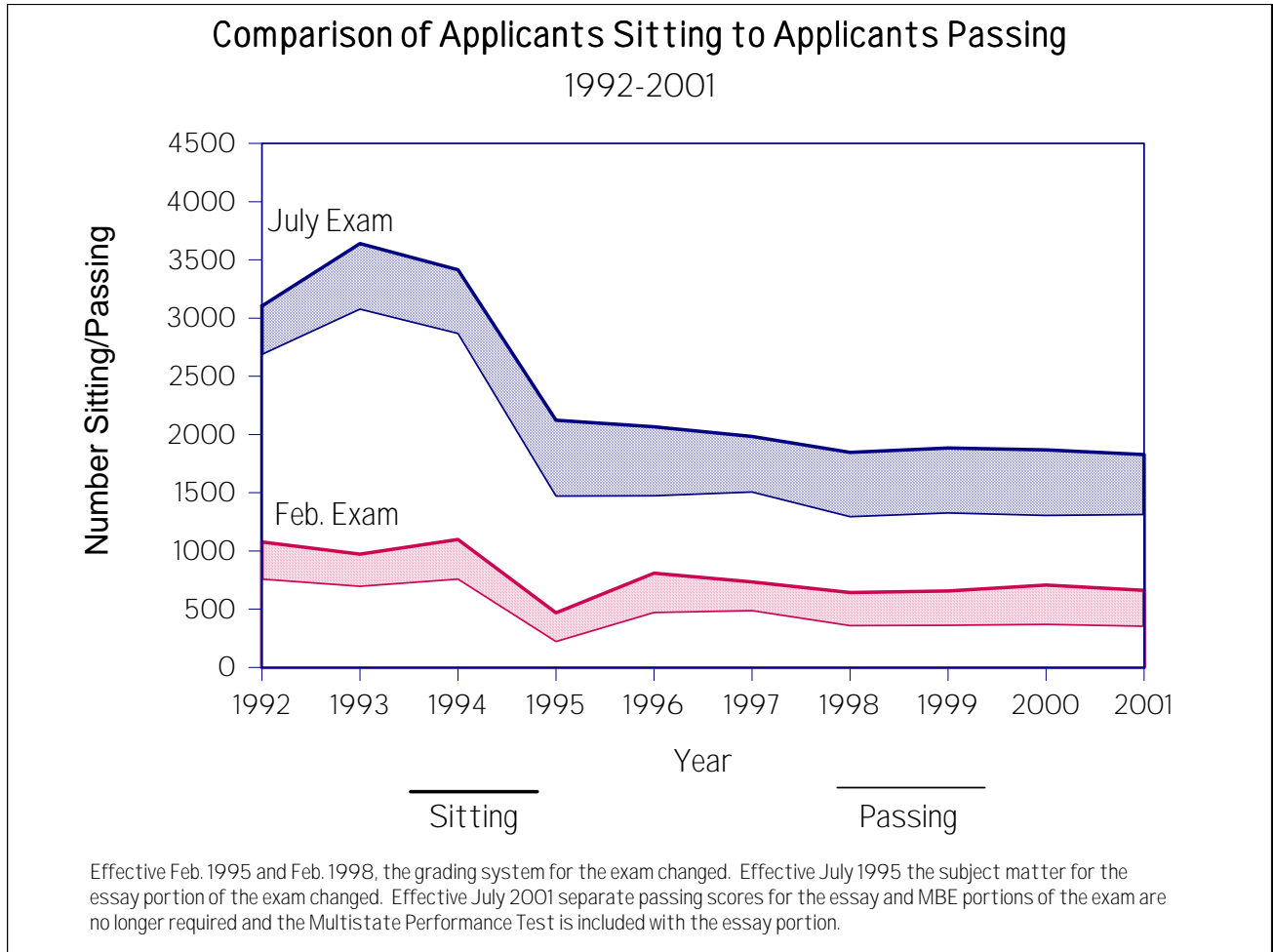


Table 3.2.3