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Jill E. Fuchs, *Deputy Executive Director*  
Brenda K. Kovanic, *Director of Testing*

## **Legal Authorization:**

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

## **About the Board**

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.

Members are appointed to three-year terms, and each member may serve two consecutive 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.

# **Board of Law Examiners**

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## 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 includes seven questions developed by the examiners and approved by the board, including one performance test (PT) question. The subject matter covers a variety of subjects, and applicants are expected to demonstrate their knowledge of Pennsylvania law where applicable.

The PT question tests an applicant's ability to use fundamental lawyering skills in a realistic situation. Some of the tasks an applicant might be required to complete in responding to a question include 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. It is weighted at one and a half times an essay question and is combined with the scores for the remaining six questions. Applicants have 90 minutes to complete one PT question.

The MBE is a national exam, prepared by the National Conference of Bar Examiners in conjunction with American College Testing (ACT). Its 200 questions are not Pennsylvania specific and cover contracts, criminal law, constitutional law, real property, evidence and torts.

Successful applicants for admission to the bar must attain a total combined scaled score of at least 272 with the essay portion weighted 55 percent and the MBE portion

weighted 45 percent. 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 careers 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 three 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 it 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 PT question), 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.

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.

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

The MBE is graded by ACT.

The most recent results of the bar exam can be found on the Board of Law Examiners home page at [www.pabarexam.org](http://www.pabarexam.org).

### *Application Approval/Denial and Hearing Process*

In addition to passing the bar exam, prospective members of Pennsylvania's bar 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.

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 2004.

## **2004 Statistics**

Statistics for 2004, including a comparison with 2003's figures, can be found in Table 3.2.1 on page 34. Chart 3.2.2 on page 35 details the percentage of those passing the bar since 1995 while Chart 3.2.3 on page 36 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. In addition, office staff processed approximately 200 applications for admission on motion and for character and fitness determination.

## **2004 Activities**

The board met seven times in 2004 to review bar admission rules and recommend 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.

### *Recommendations to the Supreme Court*

**Recommendation No. 1:** Proposed adoption of Pa.B.A.R. 302 to require **in-house counsel** who are providing legal services in Pennsylvania solely to the business entity by which they are employed, to obtain limited licenses to engage in such practice, if they are not fully admitted to the Pennsylvania bar. Adopted 3-30-04, effective 9-26-04.

**Recommendation No. 2:** Proposed amendment to Pa.B.A.R. 204 to require that as one of the conditions for being **admitted to the bar on motion**, an attorney either have been licensed in a reciprocal jurisdiction by examination or have performed legal services in a reciprocal jurisdiction for five of the previous seven years. Adopted 3-30-04, effective 9-26-04.

**Recommendation No. 3:** Proposed adoption of Pa.B.A.R. 303, to permit **military attorneys** who are licensed in another jurisdiction to represent military members and their dependents in civil matters pending in courts of this Commonwealth when the military member cannot afford legal services without undue hardship. Adopted 6-2-04, effective immediately.

**Recommendation No. 4:** Proposed adoption of Pa.B.A.R. 341 and 342 to permit an attorney who is licensed in a foreign country to obtain a limited license to practice as a **foreign legal consultant**, which, subject to certain enumerated exceptions, permits the attorney to render legal services in Pennsylvania solely with respect to the law of the foreign country in which he/she is licensed. Pending with Court.

**Recommendation No. 5:** Proposed amendment to Pa.B.A.R. 402 to permit the board to **release information** concerning applicants to other attorney licensing and disciplinary entities and in other limited situations where the release of the information is in the interest of the applicant or the public. Pending with Court.

**On-line Bar Applications**

For the first time in August 2004, applicants were able to complete and submit their bar applications electronically. This state-of-the-art application, designed and developed by AOPC's computer staff, was the first one of its kind in the country. Applicants were able to complete their applications on-line, then access their personal information using log-ins and passwords. This process has greatly reduced

the amount of data entry and has resulted in the elimination of one clerical position.

Admission applications		approx. 3,000
Sitting for February exam		689
Change from 2003	23	3.45%
Persons passing February exam		355
Persons failing February exam		334
Passing Percentage		52%
2003 Passing Percentage		51%
Sitting for July exam		2,044
Change from 2003	35	1.74%
Persons passing July exam		1,498
Persons failing July exam		546
Passing percentage		73%
2003 Passing Percentage		72%

**Table 3.2.1**

**Electronic Grading of the Essay Examination**

A pilot program to allow the electronic grading of the essay portion of the bar exam was implemented for the February 2004 exam with three graders using touch screen laptop computers. The remaining 18 graders began using the program in July 2004. Graders touch the screen to give an applicant points for a particular issue. The points are automatically totaled and electronically submitted to the board office. This program has enabled the law examiners board to release examination results in a more timely manner while maintaining the highest level of accuracy and efficiency.

**Filing Fees**

The filing fees charged for processing applications in 2004 are as follows:

- \$500 first-time filing fee
- \$650 late first filing fee
- \$950 second late filing fee
- \$1,350 final filing fee
- \$1,000 for admission on motion. AOPC

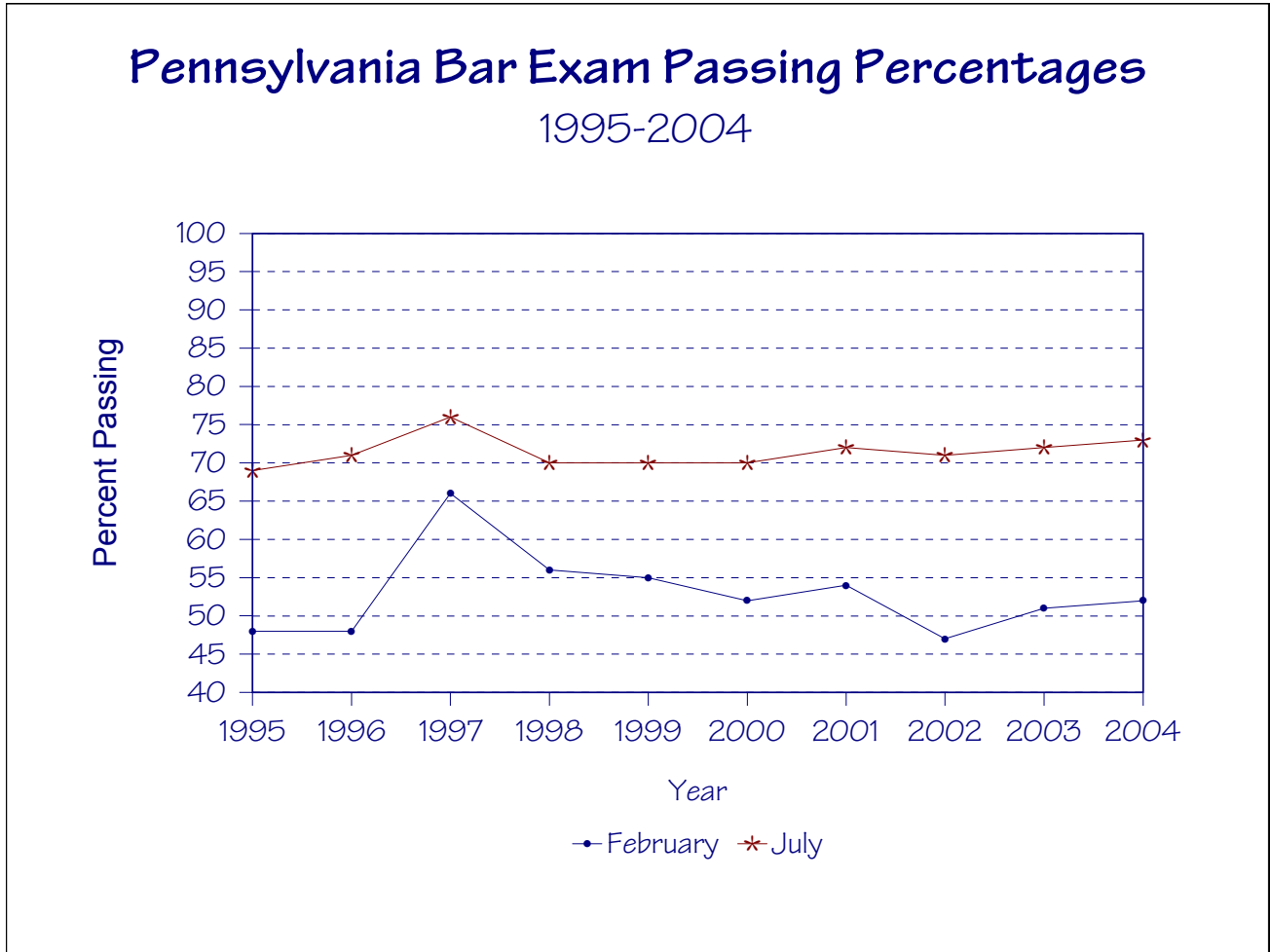
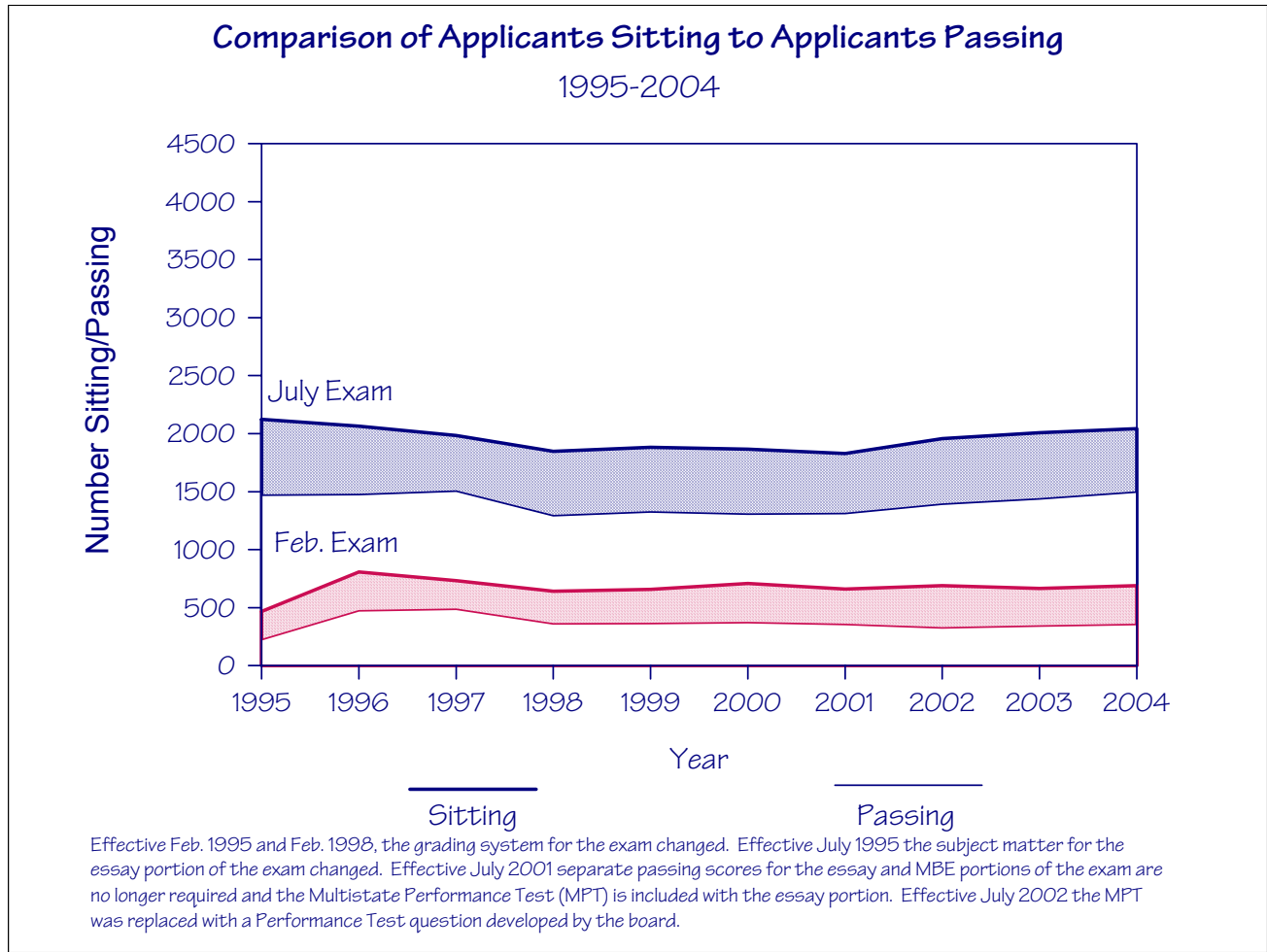


Table 3.2.2



**Table 3.2.3**