

**Board  
of  
Law  
Examiners**

**1998 Membership:**

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Jonathan H. Newman, Esq.  
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\* Term expires 4-1-99

**Staff:**

Amy C. Dynda, *Executive Director*  
Mark Dows, *Character and Fitness Director*  
Joseph Rengert, Esq., *Counsel and Supervising Law Examiner*  
Melody Greish-Richardson, *Administrative Services Director*

**Legal Authorization:**

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

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## History/Background

**T**he Pennsylvania Board of Law Examiners holds the responsibility of recommending the admission of persons to the bar and thus the practice of law in Pennsylvania. Such responsibility includes reviewing admission applications for those who wish to sit for the bar examination and for practicing attorneys in other states seeking admittance to the bar without sitting for the exam, along with administering the bar exam itself.

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.

The board office staff includes the executive director, counsel to the board, an administrative services director, a character and fitness director, and six administrative support staff. The board also employs eight examiners and one supervising examiner, who are responsible for writing and grading the Pennsylvania Bar Essay Examination, and 16 readers, who assist the examiners in grading the essay answers. Additionally, many proctors are temporarily employed to assist in the administration of the bar exam.

## Bar Procedures

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

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 consists of eight 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.

The MBE is a national exam, prepared by the National Conference Bar Examiners 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.

To pass the bar exam, applicants must receive a scaled score of at least 130 on the MBE, at least 135 on the essay section and at least 270 on both sections combined. In addition, effective with the February 1998 exam, 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. It also currently requires a filing fee of \$275.00.

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 and the examiners' proposed analyses and 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.

The MBE is graded by American College Testing.

Grading procedures for the essay exams have been streamlined, and this has resulted in a 30% reduction of release time. Examiners and readers, all of whom are licensed Pennsylvania attorneys, meet and calibrate grading criteria shortly after the bar examination. The applicants' essay exams are divided between the three graders, who then follow a strict timetable to ensure all exams are graded and all rereads are completed prior to the scheduled release date. The reduced grading period has resulted in increased calibration standards.

The most recent results of the bar exam can be found on the Board of Law Examiners

home page at [www.pable.org](http://www.pable.org) or on the Administrative Office's home page at [www.courts.state.pa.us](http://www.courts.state.pa.us).

### *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 39 hearings were held in 1998.

## 1998 Activities

Office staff processed approximately 3,000 applications for permission to sit for the bar exam.

Statistics for 1998, including a comparison with 1997's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 38 details the percentage of those who have passed the bar since 1989 while Chart 3.2.3 on page 39 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 nine times in 1998 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.

In an effort to accommodate applicants with character and fitness issues involving substance abuse, the board initiated an evaluation to determine the feasibility of a conditional admission program. The character and fitness director researched the conditional admission programs in five other jurisdictions and presented the information to the board at the August semiannual meeting.

The conditional admission report was thoroughly reviewed by the board, including draft examples of procedures that would require implementing. The board agreed that a conditional admission program for bar applicants would assist new lawyers with substance abuse problems by providing guidelines, monitoring and mentors. The report was given to the Disciplinary Board of the Supreme Court for coordination. Both the Board of Law Examiners and the Disciplinary Board are continuing to evaluate a conditional admission program.

The chair, executive director and character and fitness director visited several Pennsylvania law schools in 1998 to conduct an informational program on the bar admission process. The chair opened the program by explaining the authority and function of the board as well as the board duties both to applicants and to the Supreme Court. The executive director described the bar examination process, current passing standards and grading procedures. Character and fitness standards and requirements were detailed by the character and fitness director. The board staff also

Admission applications	approx. 3,000	
Sitting for February exam	642	
Change from 1997	(92)	(12.5)%
Persons passing February exam	359	
Persons failing February exam	283	
Passing percentage	56%	
1997 Passing Percentage	66%	
Sitting for July exam	1,847	
Change from 1997	(136)	(7%)
Persons passing July exam	1,294	
Persons failing July exam	553	
Passing percentage	70%	
1997 Passing Percentage	76%	

Table 3.2.1

answered questions from the law school students about the bar admission process and bar application. This program will be expanded in 1999 to two visits per year and include Widener School of Law in Delaware.

### *World Wide Web*

The board's Web site became available on the Internet in October 1998. The page was designed to provide information to bar applicants, law schools, court personnel and the public. The site, located at [www.pable.org](http://www.pable.org), contains bar admittance information, the Pennsylvania bar admission rules, *Bar Admissions Information Handbook*, examination

requirements, essay questions and examiners' analyses from previous exams, press releases of successful applicants from several exams, and bar examination statistics. Applicants are also able to download the current bar application and/or request bar applications via e-mail. The site also provides e-mail to each board staff member.

## Board Recommendation

The board made the following recommendation to the Supreme Court in 1998:

**Recommendation No. 1:** Amendment to bar admission rules adopting Pa.B.A.R. 105, which relates to **civil immunity**. The proposed rule provides immunity to the board, its members, employees and agents from civil liability for conduct occurring in the performance of official duties. Additionally, the rule provides immunity from civil liability to persons furnishing information to the board, providing such information is furnished without malice. The recommendation was approved by the Court.

## Filing Fees

The filing fees charged for processing applications remained unchanged in 1998 and are as follows:

- \$400 first-time filing fee
- \$550 late filing fee
- \$500 for admission on motion.


Application revenues for fiscal year 1998 totaled approximately \$1.5 million.

## Looking Ahead to 1999

As noted above, board staff will expand the information programs presented to Pennsylvania law school students, biannually visiting Pennsylvania's law schools as well as Widener School of Law in Delaware.

The executive director is resigning from her position after six years of service to the board, and the character and fitness director will become the new executive director effective May 1, 1999. The executive director will continue assisting the board on a consulting basis through the end of August 1999.

## 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 5035 Ritter Road, Suite 1100; Mechanicsburg, PA 17055. 

# Pennsylvania Bar Exam Passing Percentages

1989-1998

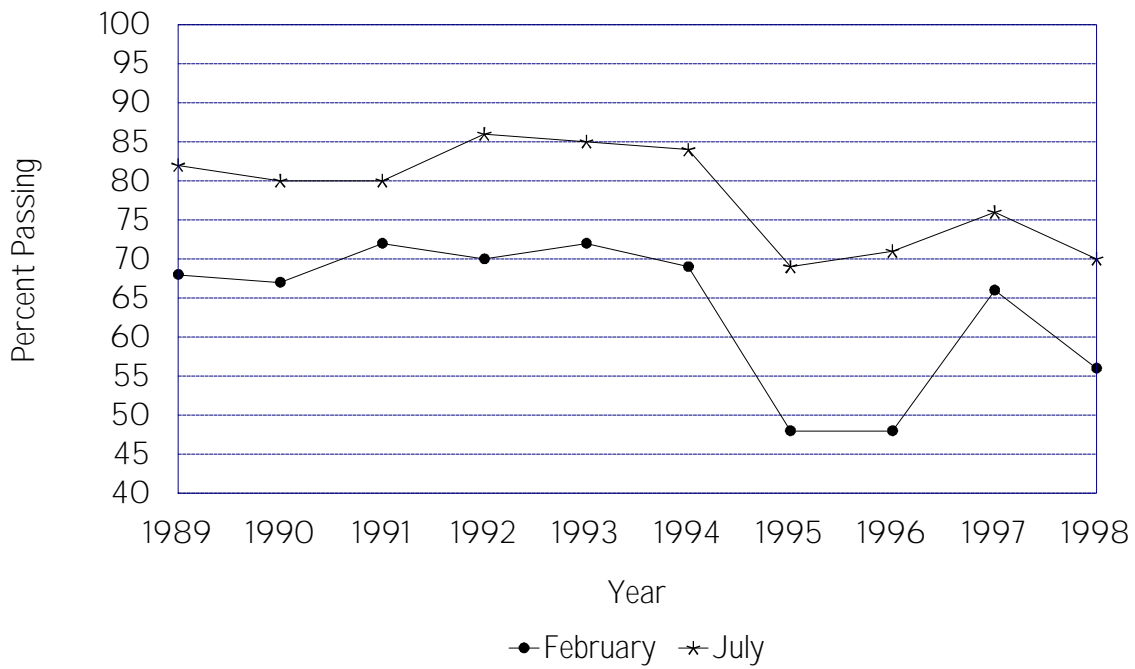


Table 3.2.2

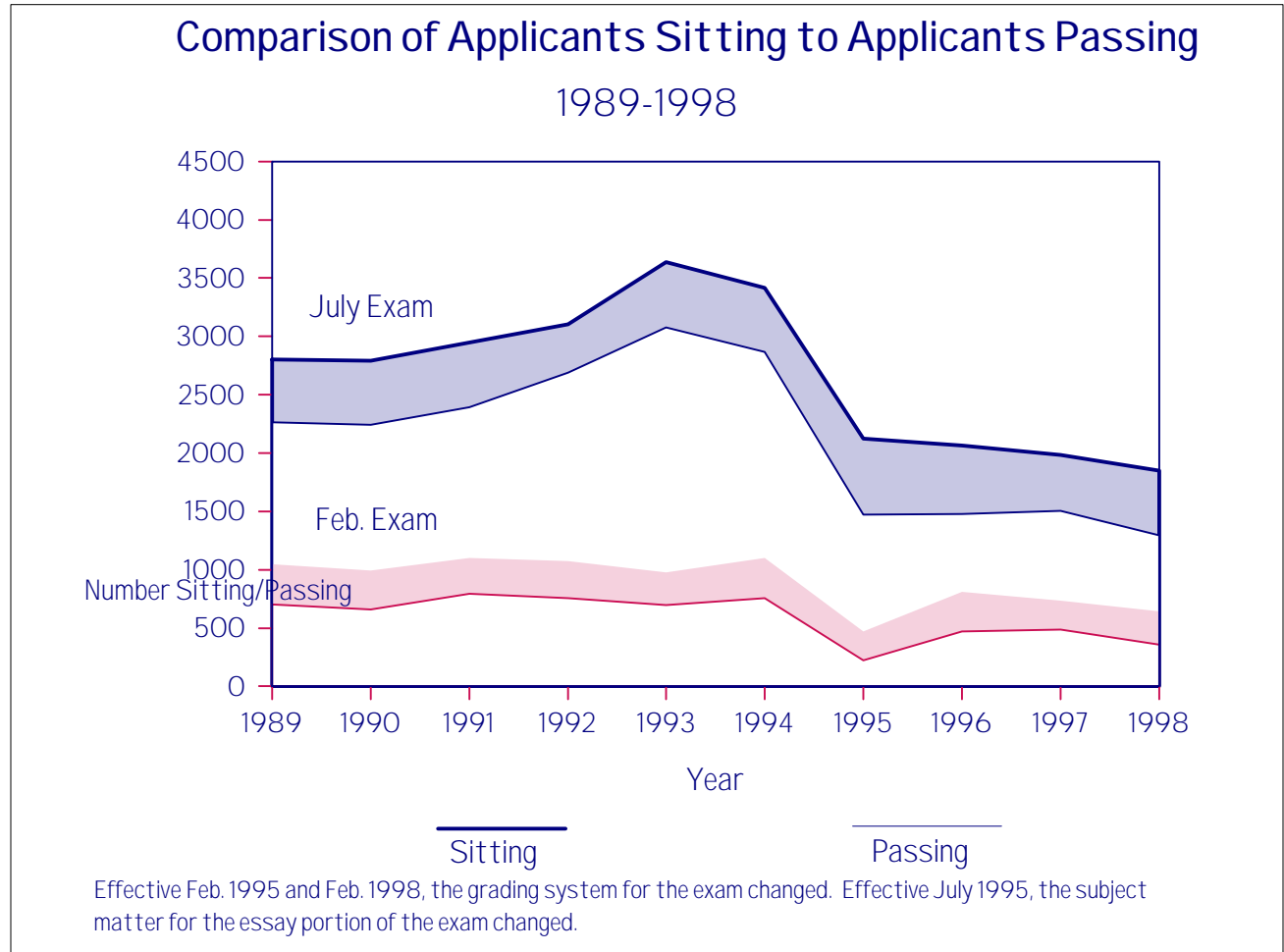


Table 3.2.3