

**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 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 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. 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 PT question became effective with the July 2002 bar exam. Prior to this the board used a question from the Multistate Performance Test developed by the National Conference of Bar Examiners (NCBE).

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.

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 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 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 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 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 16 hearings were held in 2002.

2002 Activities

Office staff processed approximately 3,000 applications for permission to sit for the bar exam and approximately 200 applications for admission on motion and for character and fitness determination.

Statistics for 2002, including a comparison with 2001's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 35 details the percentage of those passing the bar since 1993 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.

The board met nine times in 2002 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.

Board of Law Examiners 100th Anniversary

In May 2002 the Pennsylvania Board of Law Examiners celebrated 100 years of distinguished service to the Supreme Court of Pennsylvania. A celebration was held in March 2002 in conjunction with the board's semi-annual meeting and included attendance by guests such as justices of the Supreme Court of Pennsylvania, past board members and representatives from the AOPC.

Filing Fees

The filing fees charged for processing applications in 2002 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.

Admission applications		approx. 3,000
Sitting for February exam		690
Change from 2001	29	4.39%
Persons passing February exam		324
Persons failing February exam		366
Passing Percentage		47%
2001 Passing Percentage		54%
Sitting for July exam		1,957
Change from 2001	129	7.06%
Persons passing July exam		1,392
Persons failing July exam		565
Passing percentage		71%
2001 Passing Percentage		72%

Table 3.2.1

Looking Ahead to 2003

Beginning with the administration of the February 2003 bar examination, applicants will, for the first time, be offered the option of providing answers to the written portions, (i.e., the essay and performance test) of the bar examination using their personal laptop computers under certain conditions. The implementation of Computer-Based Testing is a direct result of the board's continuing goal to enhance the bar admission process and use technological advancements in the field of testing.

The essay and PT questions will be provided in booklet format. A software program called SofTest®, developed by ExamSoft Worldwide, Inc. will be utilized, which prevents

a test-taker from accessing any file other than the word processing function provided by the software during the written portions of the exam.

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

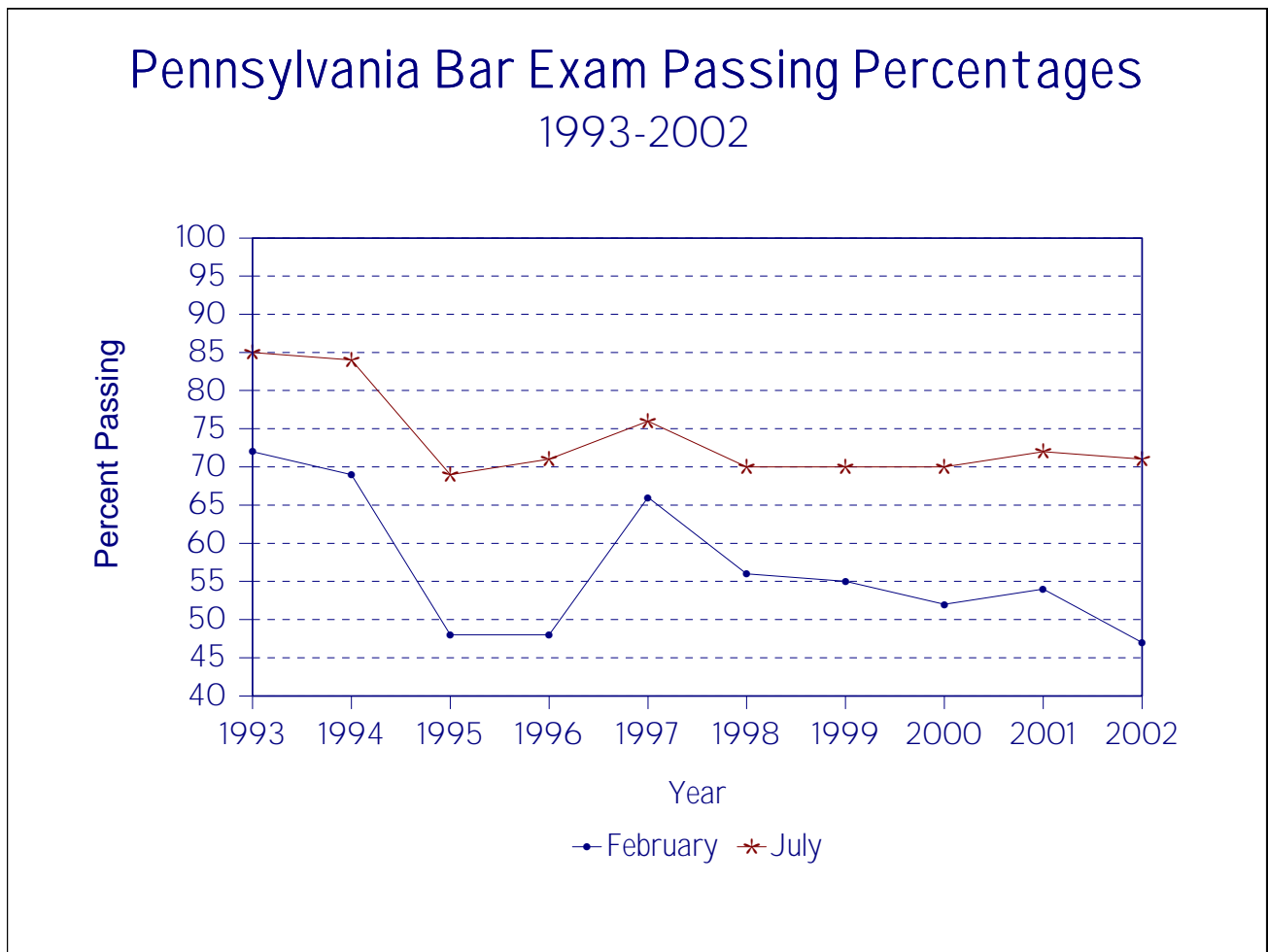


Table 3.2.2

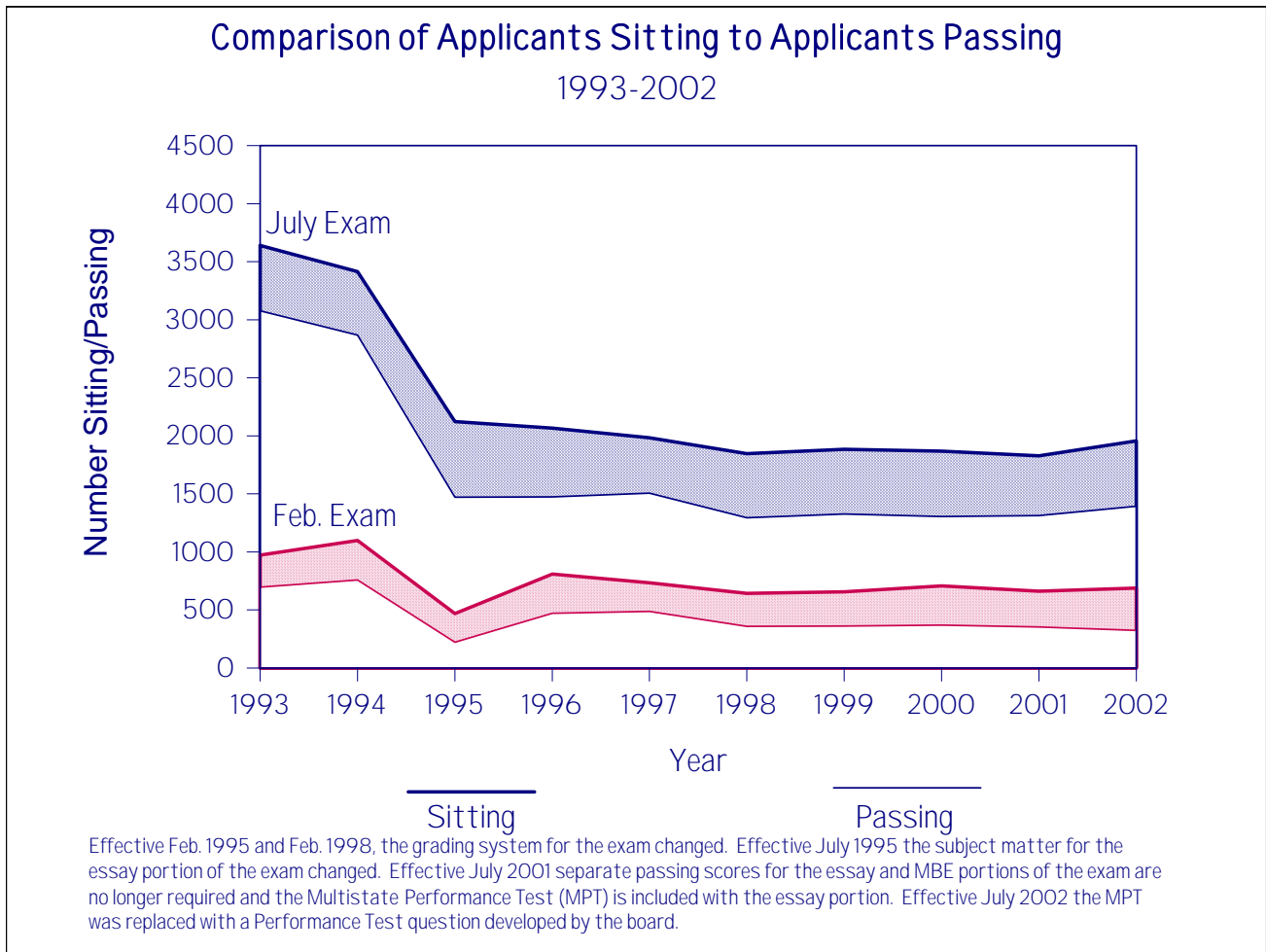


Table 3.2.3