

**Board  
of  
Law  
Examiners**

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\* Term expired 4-1-99

**Staff:**

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Mark S. Dows, *Executive Director+*  
Joseph S. Rengert, Esq., *Counsel and Supervising Law Examiner*  
Melody Greish-Richardson, *Administrative Services Director*  
Jill E. Fuchs, *Executive Assistant*

\*\* Resigned 5-1-00

+ Effective 5-1-00

**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 administrative services director, an executive assistant and seven administrative support staff. The board also employs eight examiners, 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 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 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 of 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, 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, 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.

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 in 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 Unified Judicial System'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 38 hearings were held in 1999.

## 1999 Activities

Office staff processed approximately 2,600 applications for permission to sit for the bar exam and approximately 400 applications for admission on motion and for character and fitness determination.

Statistics for 1999, including a comparison with 1998's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 40 details the percentage of those who have passed the bar since 1989 while Chart 3.2.3 on page 41 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.

Effective May 1, 1999, Amy C. Dynda resigned as executive director to pursue other interests in the Philadelphia area. The board promoted the character and fitness director, Mark S. Dows, to replace her.

The board met twelve times in 1999 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.

The new executive director designed an informational presentation for law school students and potential students regarding the bar admissions process. The executive director solicited invitations from each of Pennsylvania's seven law schools, as well as Widener Delaware, to speak to the students regarding the bar admissions process. Six of the schools responded, and the executive director visited and spoke at Dickinson, Duquesne, Pittsburgh, Temple, Villanova and Widener law schools in March and October 1999.

Feedback from the students and schools revealed that the presentations were informative and very helpful. The executive director

plans to continue this endeavor on an semi-annual basis for the law schools and plans to include the Camden, New Jersey, campus of Rutgers University. The presentations were well-attended at each school.

### 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.

Admission applications		approx. 2,600
Sit ting for February exam		657
Change from 1998	15	2.34%
Persons passing February exam		362
Persons failing February exam		295
Passing percentage		55%
1998 Passing Percentage		56%
Sit ting for July exam		1,883
Change from 1998	36	1.95%
Persons passing July exam		1,326
Persons failing July exam		557
Passing percentage		70%
1998 Passing Percentage		70%

Table 2.1.1

## Board Recommendations

The board made the following recommendations to the Supreme Court in 1999:

**Recommendation No. 1:** Proposed amendment to Pa.B.A.R. 321, relating to **participation in**

**legal matters by law students.** The proposed amendment permits law students to engage in activities as certified legal interns so long as the law school is located in a jurisdiction which affords students attending Pennsylvania law schools the same privilege or opportunity to participate in legal matters as law students in the other jurisdiction. The recommendation was approved by the Court.

**Recommendation No. 2:** Proposed amendment to Pa.B.A.R. 204, regarding the **Admission of Domestic Attorneys.** The proposed amendment permits admission on motion without examination when an attorney is a member of the bar in a reciprocal state and has been engaged in the practice of law in any state for five out of the last seven years preceding the filing of the application and upon meeting *either* of two additional requirements. The first requirement is that the attorney has been engaged in the practice of law in a reciprocal state at any time for a period of five years or more. The second requirement is that an attorney has devoted a substantial portion of the five out of seven years immediately preceding the filing practicing law in a reciprocal state.

The proposed amendment also added the requirement of applicants having passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Pa.B.A.R. 203.

The recommendation was approved by the Court.

**Recommendation No. 3A:** Proposed amendment to Pa.B.A.R. 203/204 prevents applicants seeking admission under these rules, who have

been **disbarred in another jurisdiction**, from being permitted to sit for the bar examination or being admitted to the Pennsylvania bar. The recommendation was approved by the Court.

## Filing Fees

The filing fees charged for processing applications in 1999 are as follows:


- \$400 first-time filing fee
- \$550 late first filing fee
- \$850 second late filing fee
- \$1,250 final filing fee
- \$800 for admission on motion.

Application revenues for fiscal year 1999 totaled approximately \$1.3 million.

## Looking Ahead to 2000

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 and the Camden, New Jersey, campus of Rutgers University.

## 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

1990-1999

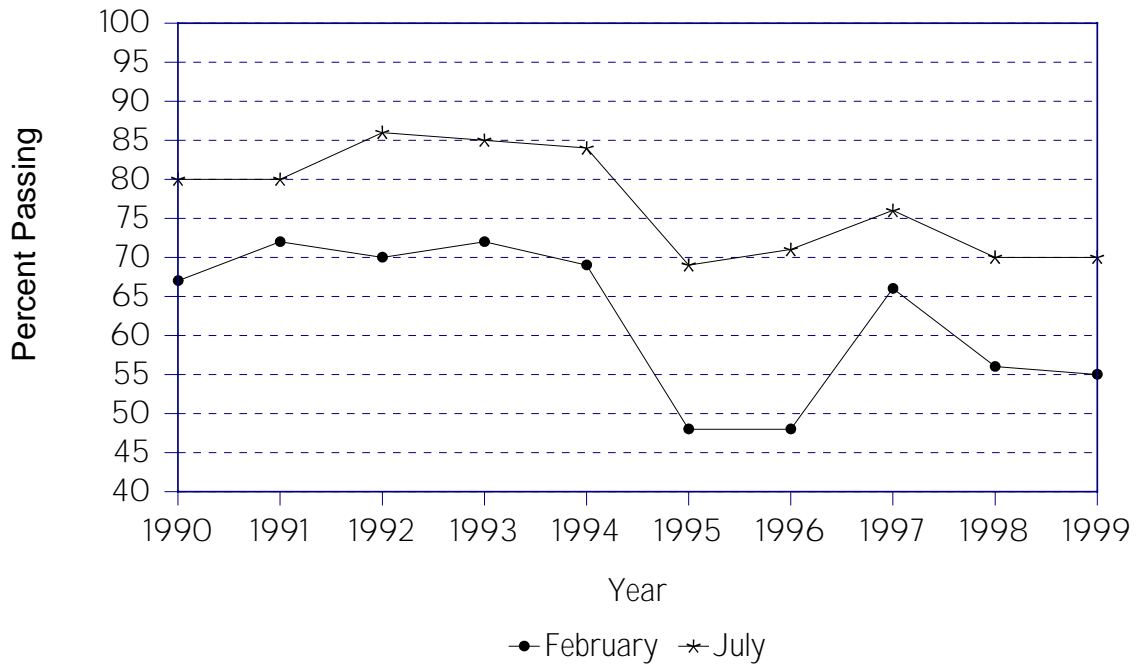
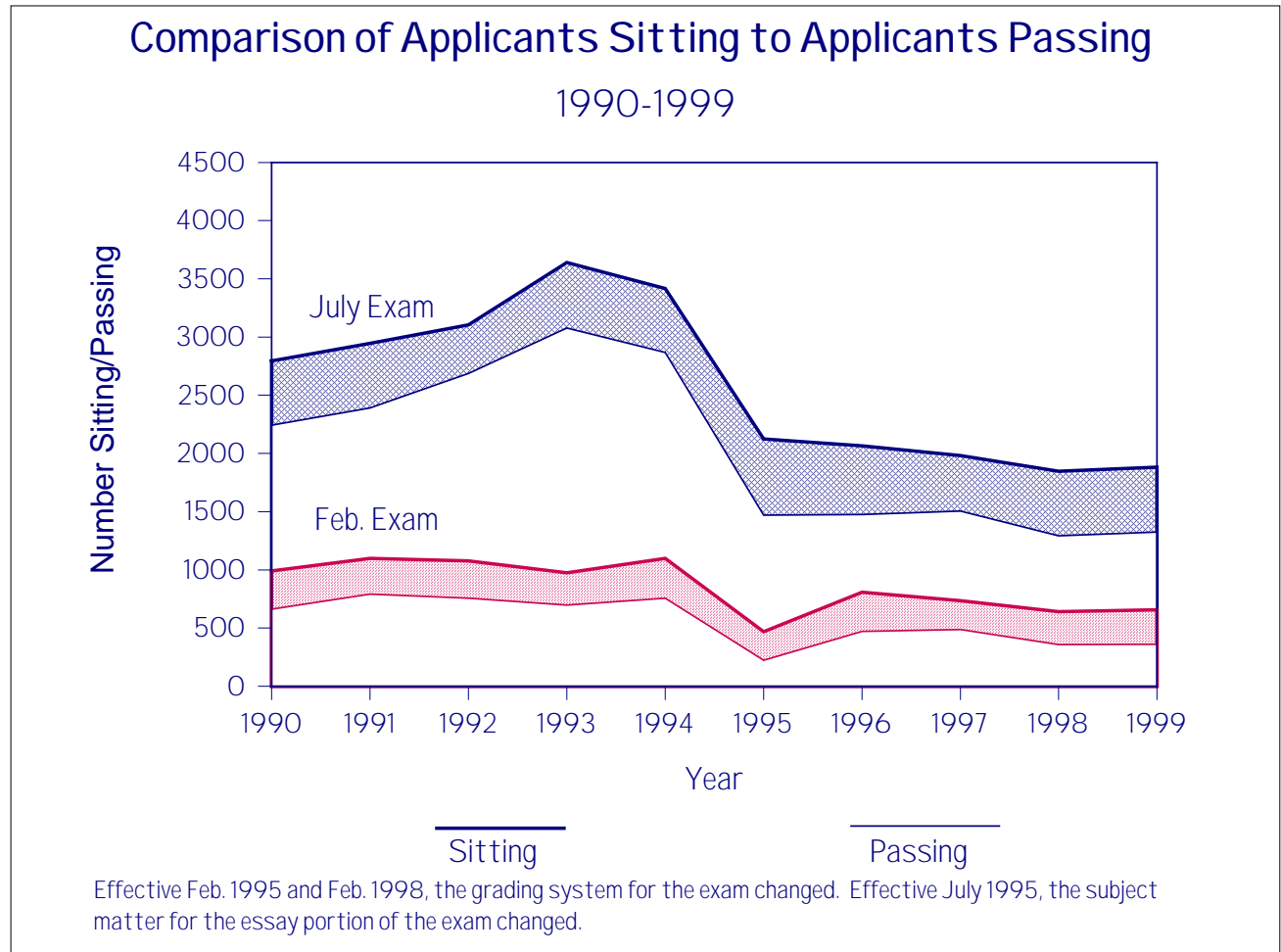


Table 3.2.2



**Table 3.2.3**