

**Board  
of  
Law  
Examiners**

**1997 Membership:**

Carl W. Brueck, Jr., Esq., *Chairman*  
Honorable Charles R. Alexander, *Vice Chairman*  
Robert J. Coleman, Esq.  
Michael G. DeFino, Esq.  
Thomas A. Decker, Esq.  
Honorable James M. Munley  
Jonathan H. Newman, Esq.

**Staff:**

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

Joseph Rengert assumed the duties of supervising law examiner in July 1997 upon the retirement of Carl Hallgren, who provided more than 30 years of service to the board. Mark Dows will begin employment with the board in early 1998 as the board's first character and fitness director.

In August 1997 Executive Director Amy Dynda was appointed to a two-year term on the National Conference of Bar Examiners' Multistate Professional Responsibility Examination Policy Committee.

## 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 is comprised of two parts, the multiple choice Multistate Bar Examination and an eight-question essay section. To pass the exam, applicants must pass both sections with scores of 135 or greater.

The most recent results of the exam can be found on the Administrative Office's home page at <http://www.courts.state.pa.us>.

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 forward to the board office, which then formats, edits and publishes them. Many unsuccessful applicants obtain copies of the questions and analyses along with copies of their own answers.

### *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 34 hearings were held in 1997.

### 1997 Activities

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

Statistics for 1997, including a comparison with 1996's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 37 details the percentage of those who have passed the

bar since 1987 while Chart 3.2.3 on page 38 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.

Admission applications	approx. 3,000
Sitting for February exam	734
Change from 1996	(75) (9)%
Persons passing February exam	487
Persons failing February exam	247
Passing percentage	66%
1996 Passing Percentage	58%
Sitting for July exam	1,983
Change from 1996	(82) (4%)
Persons passing July exam	1,506
Persons failing July exam	477
Passing percentage	76%
1996 Passing Percentage	71%

Table 3.2.1

The board met nine times in 1997 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 facilitate better communications and cooperation between the Board of Law Examiners and the law schools, the board also invited the dean of each Pennsylvania law school to the August 1997 semiannual meeting to discuss implementation of the Multistate Performance Test (MPT) in Pennsylvania. The board solicited input and discussion from the deans concerning the possible implementation of the MPT in Pennsylvania. Jane P. Smith, director of testing for the National Conference of Bar Examiners (NCBE) and Joe Harbaugh, dean of Nova Southeastern Law School presented information about the MPT and led a mock grading session using actual questions. The

deans/representatives of the law schools were generally receptive to the idea of including the MPT as part of the bar exam and thought that the majority of students would be prepared to take a performance type test.

The board formed an ad hoc committee in 1997 to review its current character and fitness policies and procedures and to make recommendations to the board regarding the same. Members of the committee included executive director Amy Dynda and board members Michael G. DeFino, Esq; Thomas A. Decker, Esq; and Jonathan H. Newman, Esq. A report was made to the entire board at the August 1997 meeting, at which the recommended actions were taken

The committee also strongly encouraged the board to consider the implementation of a probationary licensure program. Board office staff is researching this recommendation and developing a probation licensure program proposal, which will be presented to the board at its August 1998 semiannual meeting.

The board made the following recommendations to the Supreme Court in 1997:

**Recommendation No. 1:** Proposed **editorial comments** to Pennsylvania Bar Admission Rules (Pa. B.A.R.) 372, Formerly Admitted Attorneys, and 213, Hearings before the board, which were required by the adoption of a prior amendment to Rule 203, Admission of Graduates of Accredited and Unaccredited Institutions.

**Recommendation No. 2:** Changed the **passing standards for the bar exam** to a scaled score of 130 on the multistate bar exam, a 135 on the essay, and a total combined scaled score of 270 on both portions.

**Recommendation No. 3:** Amended Pa. B.A.R. 321 by decreasing the number of semesters required for a law student to become eligible to become a **certified legal intern** from four semesters to three.

**Recommendation No. 4:** Amended Pa. B.A.R. 231 by establishing a three-year limitation for filing a motion for **admission to the bar** after passing the bar exam; and by requiring applicants to obtain a statement from the board that it knows of no reason why they should not be admitted to the bar when more than six months have elapsed after receiving a certificate recommending admission to the bar.

**Recommendation No. 5:** Proposed the addition of the Multistate Performance Test as a component of the bar exam.

All five recommendations were approved by the Court. Recommendation 5 will become effective with the bar exam to be administered in July 2001.

## Filing Fees

The filing fees charged for processing applications remained unchanged in 1997 and are as follows:

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

Application revenues for fiscal year 96-97 totaled approximately \$1.5 million.

## Looking Ahead to 1998

The chair and executive director have designed an informational brochure for law school students and potential students regarding the bar admissions process. This handbook will be available early in 1998.

The chair and executive director will also be speaking to students at three of Pennsylvania law schools regarding the bar admissions process. If the response to these presentations is positive, the executive director

plans to continue this endeavor on an annual basis.

Executive Director Amy Dynda by calling (717) 795-7270 or by writing to her at 5035 Ritter Road, Suite 1100; Mechanicsburg, PA 17055.

### Contact Person

Anyone having questions about the Board of Law Examiners or the bar exam can contact

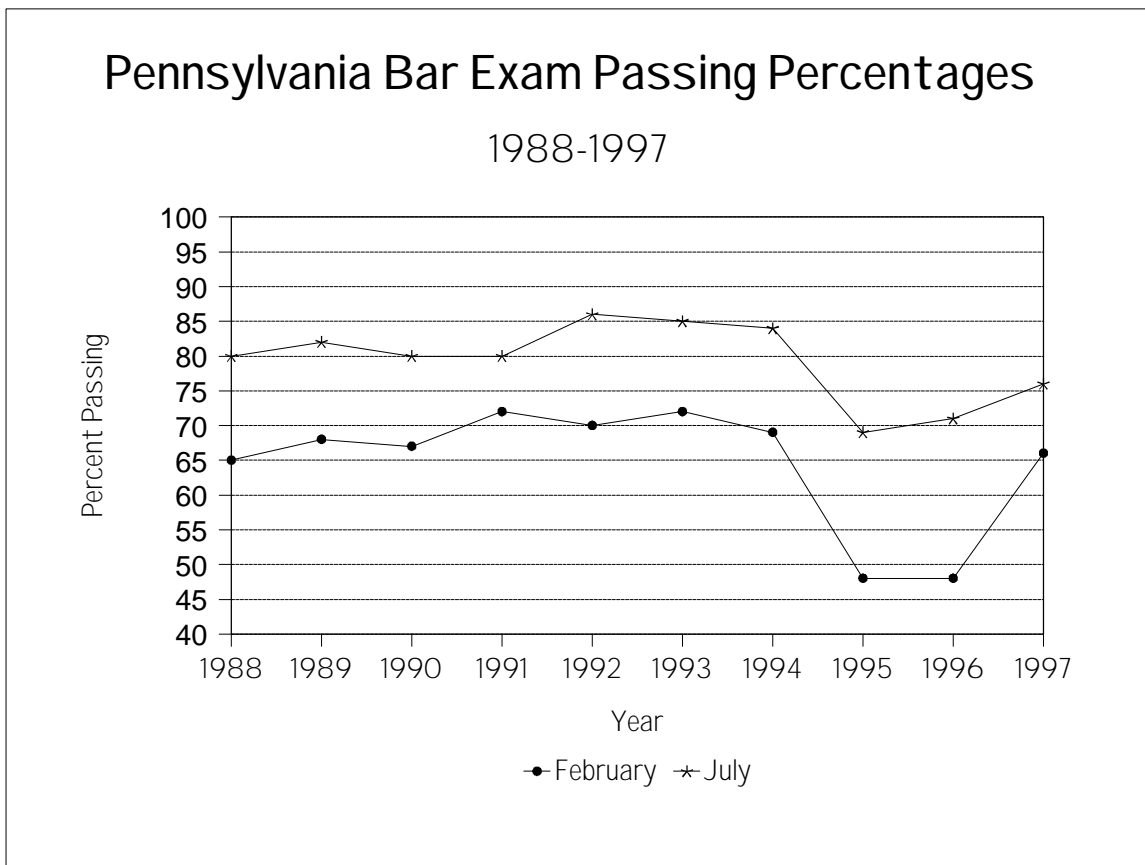


Table 3.2.2

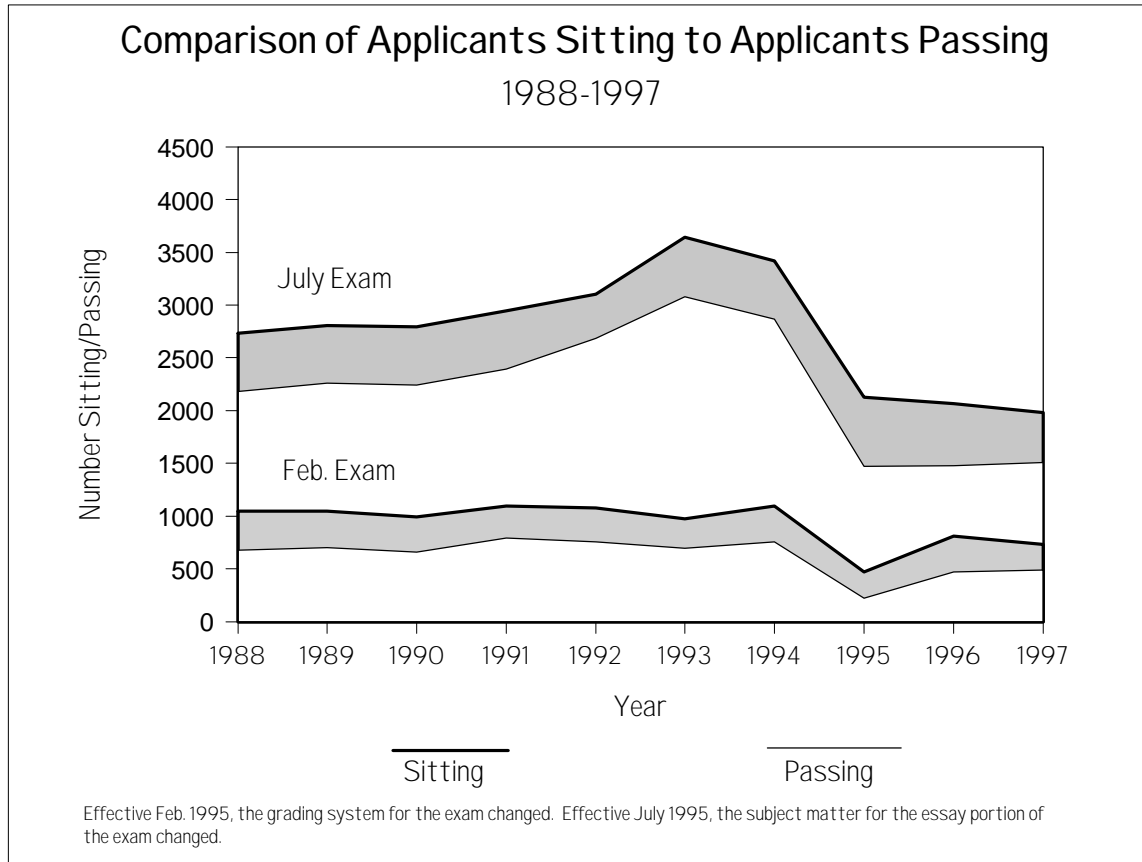


Table 3.2.3