

## 2005 Membership:

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Brenda K. Kovanic, *Director of Testing*  
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## 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, deputy executive director, counsel to the board/supervising law examiner, director of testing, 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.

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 nine points or less below passing, (i.e., 263-271).

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 25 hearings were held in 2005.

## **2005 Statistics**

Statistics for 2005, including a comparison with 2004's figures, can be found in Table 3.2.1 on page 32. Chart 3.2.2 on page 33 details the percentage of those passing the bar since 1996 while Chart 3.2.3 on page 34 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 300 applications for admission on motion and for character and fitness determination.

## **2005 Activities**

The board met eight times in 2005 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:** Amendment to Pa.B.A.R. 231, regarding **orders required for admission** under Pa.B.A.R. 204 and 205 to permit the chief justice to delegate the responsibility for signing the orders that are required

for admission to the bar to the prothonotary or to completely eliminate the requirement for an order with respect to admissions under Rules 204 and 205. Adopted 8-5-05, effective immediately.

**Recommendation No. 2:** Amendment to Pa.B.A.R. 231, regarding **revocation**. Provides that the license of an attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, a military attorney or a foreign legal consultant may be revoked or other appropriate sanction may be imposed when the attorney has made a material misrepresentation of fact or deliberately failed to disclose a material fact in connection with an application submitted under these rules that is not discovered before the attorney is admitted or issued a license. Approved by the Court.

**Recommendation No. 3:** Order authorizing eligible licensed attorneys from Louisiana, Mississippi or Alabama who were displaced by **Hurricane Katrina** to practice in Pennsylvania for up to nine months. Such practice is limited to furnishing legal services to their clients about matters from the state where they are licensed. Adopted 9-19-05, effective immediately.

**Filing Fees**

The filing fees charged for processing applications in 2005 are as follows:

For new applicants:

- \$500 first-time filing fee
- \$650 late first filing fee
- \$950 second late filing fee
- \$1,350 final filing fee.

|                               |     |               |
|-------------------------------|-----|---------------|
| Admission applications        |     | approx. 3,000 |
| Sitting for the February Exam |     | 741           |
| Change from 2004              | 52  | 7.55%         |
| Persons passing February exam |     | 464           |
| Persons failing February exam |     | 277           |
| Passing Percentage            |     | 62.62%        |
| 2004 Passing Percentage       |     | 51.52%        |
| Sitting for July exam         |     | 2,234         |
| Change from 2004              | 190 | 9.3%          |
| Persons passing July exam     |     | 1,616         |
| Persons failing July exam     |     | 618           |
| Passing Percentage            |     | 72.34%        |
| 2004 Passing percentage       |     | 73.29%        |

**Table 3.2.1**

For Re-applicants:

- \$250 first-time filing fee
- \$400 late first filing fee
- \$650 second late filing fee
- \$950 final filing fee.

Other:

- \$1,000 for admission on motion
- \$650 for application for limited in-house counsel license.

**AOPC**

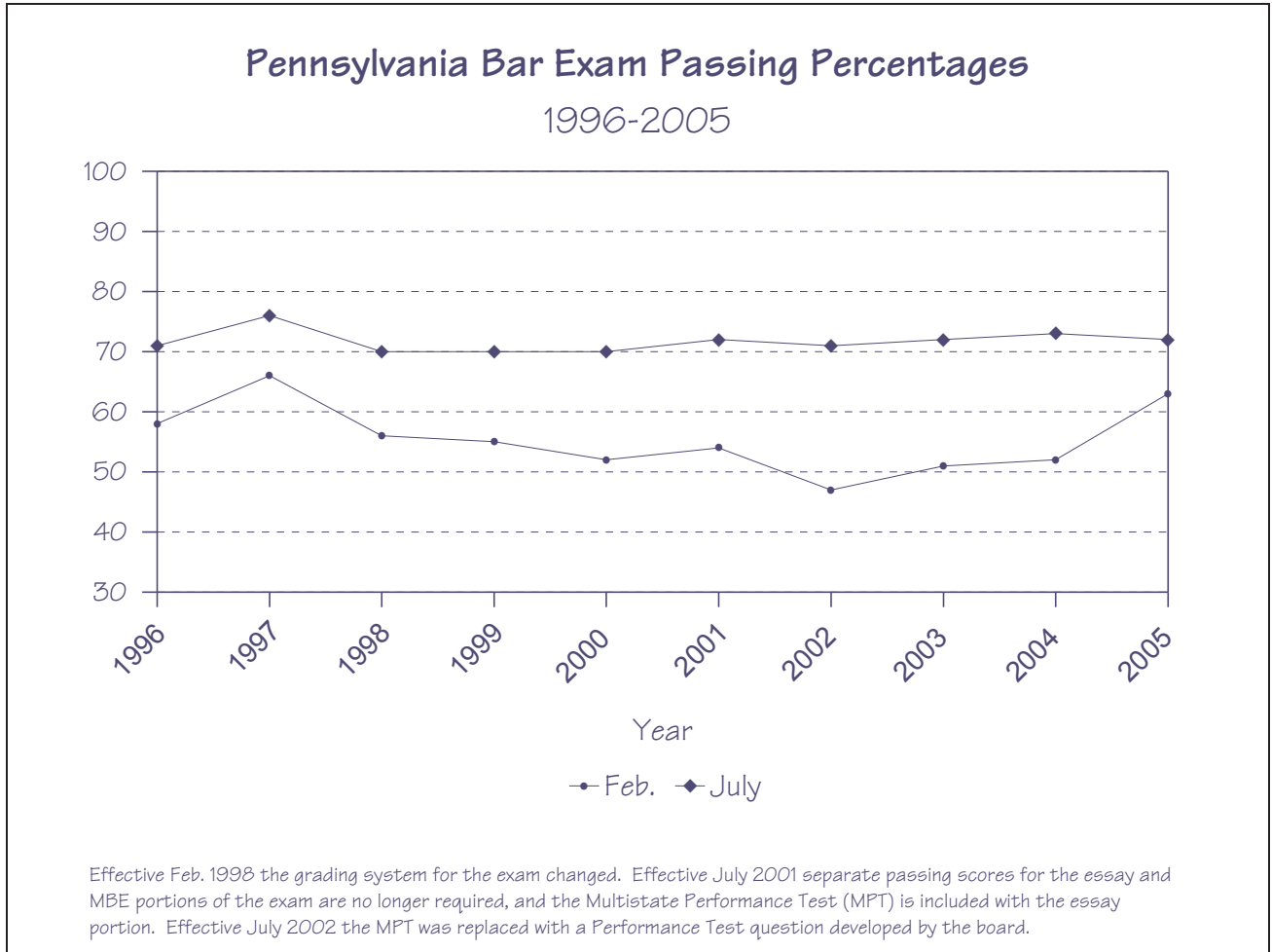
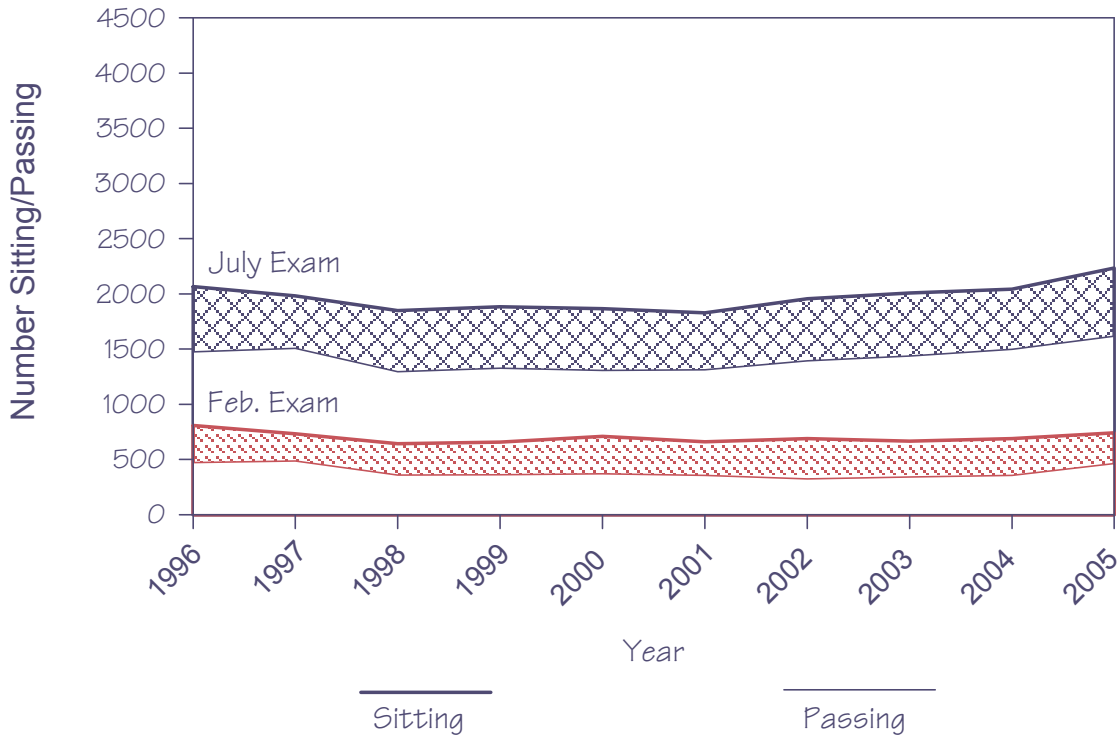


Table 3.2.2

### Comparison of Applicants Sitting to Applicants Passing



Effective Feb. 1998 the grading system for the exam changed. Effective July 2001 separate passing scores for the essay and MBE portions of the exam are no longer required, and the Multistate Performance Test (MPT) is included with the essay portion. Effective July 2002 the MPT was replaced with a Performance Test question developed by the board.

Table 3.2.3