



Pennsylvania Board of Law Examiners Bar Admissions Information Handbook

This document is provided as a guide for general information on the bar admission process, including frequently asked questions regarding the character and fitness determination

Pennsylvania Board of Law Examiners

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MISSION STATEMENT

The Board of Law Examiners is empowered by the Supreme Court of Pennsylvania to recommend for admission only those individuals who have demonstrated the minimum competency and requisite character necessary to become a member of the bar of this Commonwealth. This mission preserves the integrity of the legal system, and protects all individuals seeking legal representation from unethical or incompetent lawyers. The Board emphasizes the importance of professional responsibility and character in the legal profession, and evaluates the likelihood of an aspiring lawyer's ability to uphold, and commit to, the standards of the profession.

Respectfully,

The Pennsylvania Board of Law Examiners

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**Joseph S. Rengert, Esquire, Interim Executive Director
Patti S. Bednarik, Esquire, Director of Character and Fitness
Brenda K. Kovanic, Director of Testing
Brian Mihalic, Director of Information Technology**

ADMISSION TO THE BAR OF THE COMMONWEALTH OF PENNSYLVANIA GENERAL INFORMATION

AUTHORITY AND FUNCTION

The Supreme Court of Pennsylvania (hereinafter referred to as the "Court") has the inherent and exclusive power to regulate admission to the bar and the practice of law through the Pennsylvania Bar Admission Rules (Pa.B.A.R.), which govern bar admission policies and procedures. Pursuant to these rules, the Pennsylvania Board of Law Examiners (hereinafter referred to as the "board") is empowered to recommend the admission of persons to the bar and the practice of law. In conjunction with this charge, the board is responsible for recommending rules pertaining to admission to the bar and the practice of law and to exercise the powers and perform the duties vested in and imposed upon the board by the Court.

BOARD MEMBERS

The board consists of seven members of the bar of this commonwealth who are eligible to serve a maximum of two three-year terms. The board is comprised of lawyers and judges who reside and work throughout this commonwealth. Board members provide a pro bono service to the Court.

BOARD MEETINGS AND BOARD DUTIES

The board meets approximately once a month to review bar admission rules and recommend specific rule changes, review proposed essay examination questions and analyses, approve examination results, set policy and handle all other bar admission obligations as charged by the Court. The board holds formal hearings throughout the year for applicants appealing the initial denial of their application to determine whether or not they meet the requirements for admission to the bar.

BOARD STAFF

The board staff consists of Joseph S. Rengert, Esquire, Interim Executive Director and Counsel to the Board, Patti S. Bednarik, Esquire, Director of Character and Fitness; Brenda K. Kovanic, Director of Testing; Brian Mihalic, Director of Information Technology and several administrative support staff. The board employs seven part-time examiners who are responsible for writing and grading the essay portion of the Pennsylvania bar examination. Additionally, the board employs 14 readers who assist the examiners in grading the essay answers.

ELIGIBILITY TO SIT FOR THE BAR EXAMINATION (Pa.B.A.R.'s 203 and 205)

The Pennsylvania Bar Admission Rules outline the eligibility requirements for an applicant to sit for the bar examination. Specifically, Pa.B.A.R. 203 relating to graduates of accredited and unaccredited institutions and Pa.B.A.R. 205 regarding foreign attorneys and graduates of foreign institutions outline the eligibility requirements.

BAR APPLICATION PROCEDURES

All applicants must complete and submit the appropriate application. On-line filing is available through the board's web site at www.pabarexam.org. The board has established strict application filing deadlines and fees (see *Fee Schedule*). The board has three late filing deadlines; however, there are substantial late filing fee penalties, and no exceptions are granted to the filing deadlines. An applicant may not use an old application form for the current examination, i.e., a February application for a July examination. Background information pertaining to character, education, employment, military service, financial responsibility and criminal history will be required in conjunction with the application. The application and all third party materials comprise the application file. The board staff reviews the application file to determine other means of investigation necessary for the Executive Director to provide the initial character and fitness determination.

Lack of candor is considered by the board to be one of the most serious character and fitness issues, and applicants must respond with complete candor when answering questions and supplying detailed explanations. Honesty and integrity constitute the very foundation of the legal profession, and must serve as guideposts for the determination of good moral character. As a licensing agency, the board's foremost responsibility is the protection of the public by prohibiting licensure of incompetent or corrupt applicants or applicants whose conduct may injure an unsuspecting client. The burden is on the applicant to prove good moral character. If an applicant is uncertain whether a situation falls within the scope of a particular question, they should assume that it does. False statements or deliberate omissions will result in a denial of the application and/or subsequent discipline under the Rules of Professional Conduct.

Applications for nonstandard testing accommodations (NTA) must be submitted simultaneous with an application to sit for the bar examination. Incomplete NTA applications are subject to return. The filing deadlines for the NTA application are the same as the application to sit for the bar examination, and are subject to the same late filing fee penalties. Applications received after the final filing deadline will not be considered for any reason. Applicants who have a disability, as defined by the Americans with Disabilities Act (ADA), and who require nonstandard testing accommodations to take the bar examination, must complete and submit the NTA application, applicable forms and required documentation as indicated in the NTA instructions. Applicants who are approved for nonstandard testing accommodations will be reasonably accommodated.

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION REQUIREMENT FOR BAR ADMISSION

All applicants must demonstrate knowledge of the professional responsibility and ethical obligations of the legal profession, which is evidenced by successfully achieving a minimum scaled score of 75 on the Multistate Professional Responsibility Examination (MPRE). Applicants may take the MPRE at any point during law school or their legal career. Applicants also have up to three months after bar examination results are released to successfully pass the MPRE and have the official results transferred to the board office to ensure that your application can be processed prior to the six-month expiration of your Certificate recommending admission. You may be required to submit a supplemental application (see Pa.B.A.R. 231), which impose added requirements on applicants who, for any reason, including the failure to pass the MPRE, have not filed a motion for admission to the bar within six months from the date when their successful bar examination results were released. The supplemental application process requires a new character and fitness review and determination by the Executive Director and can take three months to complete. If an applicant is not successful on the MPRE in sufficient time to file a motion for admission to the bar within three years of the date their successful bar examination results were released, they will have to reapply for permission to sit for the bar examination, successfully retake the bar examination, and meet all of the requirements at that time. Applicants are encouraged to take the MPRE while in law school, shortly after they have taken a course on professional responsibility and ethics. In order to obtain an MPRE application, please contact your law school, or the National Conference of Bar Examiners at: MPRE Application Department, P.O. Box 4001, Iowa City, Iowa 52243-4001, telephone no. (319) 341-2500. MPRE on line registration is available at www.ncbex.org.

PREPARATION FOR THE BAR EXAMINATION

MBE: The NCBE has published *Sample MBE, Sample MBE II, and Sample MBE III*, consisting of 600 actual MBE questions from the February 1991, July 1991, and July 1998 administrations of the examination, respectively. Cost and ordering information may be obtained from the NCBE's web site at www.ncbex.org/pubs/studyaids.htm.

MPRE: The NCBE has also published *MPRE Sample Questions VI* consisting of 150 actual and simulated questions, answer key included and an online MPRE practice exam, answer key included. Cost and ordering information may be obtained from the NCBE's web site at www.ncbex.org/pubs/studyaids.htm.

Essay: *Essay Questions and Examiners' Analyses* (including grading outlines) and model sample answers from previous examinations can be obtained from the board office and, at no cost, from the board's web site. Please contact the board office directly for cost and ordering information. Additionally, applicants who were not successful on an administration of the Pennsylvania bar examination may obtain copies of their own answers to the essay questions. Copies of an individual's essay answers must be requested within three months of the release of results as all essay answers are destroyed after that time.

BAR EXAMINATION

The bar examination is administered twice a year, the last Tuesday and Wednesday of February and July. The examination is currently administered at three locations in July (Philadelphia, Pittsburgh and Harrisburg areas), and two locations in February (Philadelphia and Pittsburgh areas). The board staff processes approximately 3,000 applications per year. Approximately three weeks prior to the bar examination, each eligible applicant is mailed an admission ticket with detailed instructions regarding the bar examination. The first day of the examination consists of one Performance Test (PT) question and six essay questions that are prepared by the examiners and approved by the board. Please read the information contained in the *Information and Passing Standards for the Pennsylvania Bar Examination* section which is available at the board's web site regarding specific details regarding bar examination information, test subjects, and passing standards. Applicants are expected to demonstrate their knowledge of Pennsylvania law, where applicable, when answering the essay portion of the bar examination.

Please note that the value of an essay answer depends not so much upon the correctness of the conclusion(s), as upon the recognition of issues and the quality of the discussion that evidences an ability to apply the law to the facts presented, and to reason in a logical manner in arriving at a conclusion. Factors such as grammar, penmanship and spelling are not considered in the grading of the essay answers.

The second day of the examination is the Multistate Bar Examination (MBE), which is prepared by the National Conference of Bar Examiners (NCBE) in conjunction with American College Testing (ACT). The examination consists of 200 multiple choice questions on the following subjects: Contracts, Criminal Law, Constitutional Law, Real Property, Evidence and Torts. The MBE is a national examination and does not contain specific Pennsylvania law questions.

PERFORMANCE TEST

By Order of the Supreme Court of Pennsylvania, one Performance Test (PT) question, developed by the board, may be used in lieu of a Multistate Performance Test question as a component of the essay portion of the bar examination. The Performance Test (PT) is intended to test an applicant's ability to use basic skills that a lawyer should possess to perform a task that a newly admitted attorney would be expected to perform. The PT is designed to test an applicant's ability to perform the task that has been assigned using the factual information contained in a File and the legal principles that are provided in a Library.

The File contains various documents that set forth the factual information that is to be considered in performing the assigned task. Some examples of the documents that might be included in the File are: notes of interviews, agreements/contracts, letters, pleadings, wills, reports, affidavits, invoices, and transcripts of testimony. The Library contains the only legal principles that are to be considered to complete the assigned task. Although an applicant's general knowledge of the law may provide some background for analyzing a problem, the factual information contained in the File and the legal principles contained in the Library are the only materials that should be used in formulating an answer to the assigned task.

Examples of tasks that might be required to be performed include preparing: letters to opposing counsel, opinion letters to clients, contract or will provisions, briefs, memorandum to a partner, legal memoranda, petitions, motions, and other tasks that a lawyer might be expected to perform. In performing these tasks, applicants are expected to evaluate the information in the File and identify the relevant facts, recognize the legal issues raised in performing the assigned task, analyze the legal materials that are provided and identify the applicable principles of law, and apply the applicable legal principals to the relevant facts to support a well reasoned response that is clearly communicated in the manner assigned.

COMPUTER BASED TESTING

Applicants have the option to provide answers to the written portions (i.e., PT and Essay) of the bar examination using a personal laptop computer under certain conditions. The PT and Essay questions will be provided in booklet format, not electronic format. A software program called SofTest®, developed by ExamSoft Worldwide, Inc. (ExamSoft) 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 examination. The implementation of Computer Based Testing (CBT) is a direct result of the board's continuing goal to enhance the bar admission process and technological advancements in the field of testing.

WITHDRAWALS FROM THE BAR EXAMINATION

There are no withdrawals prior to the bar examination. All qualified applicants will be scheduled to sit for the examination, and test materials will be available at the test site you selected on your application. If you do not sit for the examination, you will receive a letter after the administration of the examination changing your status to withdrawn. If you reapply for a future administration of the bar examination, it is not considered a character and fitness issue if you withdrew from a previous examination. Please note that there are no refunds or transfers of applications and/or fees. Application forms from prior examinations may not be used. Additionally, copies of applications are not acceptable and will be returned. If the new application does not meet the applicable filing deadline, the applicant will not be permitted to sit for the bar examination.

MULTISTATE BAR EXAMINATION TRANSFERS

MBE scores may not be transferred from another jurisdiction to Pennsylvania, nor can scores be "grandfathered" from a previous administration of the examination. However, MBE scores from Pennsylvania may be transferred to other jurisdictions that accept transfers. It is the applicant's responsibility to contact the other jurisdiction for their requirements for MBE transfers from Pennsylvania.

BAR EXAMINATION PASSING STANDARDS

Applicants must attain a minimum scaled score of 272 on the combined scores of the MBE and the PT/Essay portions of the bar examination to successfully pass the bar examination. The six answers to the essay examination and the PT (valued at 1.5 times an essay question) will be graded, totaled and scaled to the MBE. The combined PT/Essay scores will be weighted at 55%, and the MBE score will be weighted at 45% of the total scaled score. The scaled scores of the PT/Essay and MBE will then be combined to determine whether a scaled score of 272 or higher has been attained. The PT/Essay answers are graded by the examiners and readers, all of whom are licensed Pennsylvania attorneys. The examiners and readers are hired by the board, and report to the Executive Director and the Supervising Law Examiner. Each examiner has two readers who assist in the grading of that examiner's essay question. The identity of the examiners and readers is confidential to protect the integrity of the bar examination process.

GRADING AND REREAD PROCEDURES

The MBE answer sheets are forwarded to American College Testing (ACT) for scoring immediately after the bar examination is concluded statewide. The PT and six essay answers are graded by the examiners and readers subsequent to semiannual meetings held following the February and July bar examinations. At the conclusion of each bar examination, the executive director sends a copy of the actual bar examination essay questions, examiners' proposed analyses and grading guidelines to representatives from each of the seven Pennsylvania law schools. The representatives expeditiously circulate the questions and analyses to the professors who teach the respective subject material covered by the six essay questions and solicit comments and suggestions from each of them. The comments and suggestions are shared with the board, examiners and readers at the calibration session conducted at the semiannual meetings. The examiners then use the feedback to revise their analyses and grading guidelines in order to grade the applicants' essay answers in the most equitable and fair manner possible.

There are three graders for the Performance Test (PT) and each essay question, each of whom grades one-third of the answers for that specific question. Once all grades have been submitted, any applicant receiving a combined scaled score of 263-271, inclusive, will automatically have their PT and six essay answers reread and regraded by a different grader. The reread graders are not aware of the scores originally given. The revised scores, if applicable, are then recalculated with the MBE score for a final combined scaled score. Once results are released, the scores are final and are not subject to judicial review pursuant to Pa.B.A.R. 221.

BAR EXAMINATION RESULTS

If you are successful on the bar examination, your name only (without address) will appear on the *Press Release of Successful Applicants*, which is distributed to the Honorable Justices of the Supreme Court of Pennsylvania, members of the board and other Supreme Court agencies for official use. Your name only (without address) will also appear on the board's web site. Bar examination results are valid for three years. The timeliness of your character and fitness determination is directly affected by your cooperation in promptly providing requested information. Your *Certificate Recommending Admission to the Bar of the Commonwealth of Pennsylvania* must be filed with the Pittsburgh office of the Prothonotary of the Supreme Court of Pennsylvania **within six months of the date on the certificate**. Certificates are dated the day the results are officially released to the public and mailed to approved applicants. Your certificate date will not be changed if your application is not approved at the time bar examination results are released to the public. The February bar examination results will be released in early April, and July bar examination results are released in early October. Official result notification is the result letter that is sent via the United States Postal Service. Note: Applicants who are unsuccessful on a bar examination and wish to reapply for the following bar examination should refer to the *fee schedule* to determine reapplication filing deadlines and fees.

NAME AND ADDRESS CHANGES FOR BAR APPLICANTS

All name and address change requests for non-licensed applicants who have applied to take the bar examination must be submitted in writing to the board office. Requests for address changes must include your new address and telephone number, your previous address, the last 4 digits of your social security number, your e-mail address (optional) and the month and year you sat, or will sit, for the bar examination. You may fax address changes to (717) 231-3351. Requests for name changes must include your former name, your new name, your current address and daytime telephone number, the last 4 digits of your social security number, the month and year you sat, or will sit, for the bar examination, the reason(s) for the name change, and official documentation of the name change (i.e., copy of marriage license, copy of legal name change, copy of divorce decree, etc.). More details on name change requests can be found in the instructions for the specific type of application you are filing (i.e. filing for the bar examination, filing for admission on motion, etc.).

CHARACTER AND FITNESS DETERMINATION AND APPEAL PROCESS FOR DENIALS

Applicants must submit a completed and typed application with appropriate filing fees, setting forth the matters that the board deems necessary, including background information pertaining to character, education and employment, in order for a character and fitness determination to be made. The board staff reviews the applications and may use other means of investigation to determine the fitness and qualifications of the applicant. Upon initial review, the board, through the executive director, may find that the applicant does not appear to possess the fitness and general qualifications requisite to become a member of the bar of the commonwealth of Pennsylvania. In these instances, the applicant is notified in writing of such initial finding and subsequent denial by the executive director. The applicant has 30 days to request a hearing in order to appeal the executive director's denial, unless the denial was for scholastic reasons. Denial for scholastic reasons is not subject to review pursuant to Pa.B.A.R. 213(a). Present at the hearings are the applicant, applicant's counsel (if they have retained counsel), relevant witnesses, board staff if applicable, the board member(s) serving as the hearing officer, and a court stenographer to record the hearing.

The hearing length varies depending on the type and number of issues discussed in the hearing, and the number of witnesses, if any, that are present. Only one applicant is considered at a hearing, and only applicants who are denied a certification recommending admission to the bar of the commonwealth of Pennsylvania may request a hearing. All applicant files must be approved by the Executive Director, or by the board if the applicant was initially denied by the Executive Director, for the applicant to receive his or her *Certificate Recommending Admission to the Bar of the Commonwealth of Pennsylvania*. If the applicant is denied by the board subsequent to a hearing, the applicant may seek judicial review by the Supreme Court of Pennsylvania. Please refer to Pa.B.A.R. 213(b) and 222 for additional information relating to hearings and appeal information.

ADVISORY OPINIONS

Advisory opinions on the qualifications of prospective applicants are not provided by the board or its staff. If a potential applicant wishes to have a determination made regarding their eligibility, the applicant must submit the appropriate application, accompanying documentation and applicable filing fees. Typical requests for advisory opinions are in regard to admission of foreign attorneys and for potential applicants who have criminal records. Accordingly, refer to the Pennsylvania Bar Admission Rules for eligibility requirements for foreign graduates, and to the attached *Answers to Commonly Asked Questions Regarding Character and Fitness Determinations* for additional information.

CONFIDENTIALITY

The board is required to hold in the strictest confidence all records received in the admission process, except when records are requested by the Disciplinary Board of the Supreme Court of Pennsylvania in conjunction with an investigation. The Disciplinary Board is authorized to review bar applications under *Rules of Professional Conduct*, Rule 8.1 Bar Admission and Disciplinary Matters. Pa.B.A.R. 402 specifically addresses the issue of confidentiality.

ADMISSION TO THE BAR AFTER RECEIPT OF CERTIFICATION FROM THE BOARD OF LAW EXAMINERS

If an applicant has passed the bar examination and received certification recommending admission to the bar of the commonwealth of Pennsylvania, the applicant will receive instructions with their result packet on how to file for admission. Please note that an applicant has six months from the date of the certificate to file for admission to the bar. If an applicant does not file for admission within six months of the date on the certificate, they will be required to complete and submit an *Application for Supplemental Statement and for Character and Fitness Determination as required under Pennsylvania Bar Admission Rule 231*, with applicable filing fees to the board office. If an applicant has not filed a motion for admission within three years of the date on their original certificate recommending admission, the applicant will be required to reapply and successfully meet all of the requirements for admission to the bar including, where applicable, the taking and passing of a future bar examination.

APPLICATIONS FOR ADMISSION ON MOTION

Attorneys who are an active member in a reciprocal jurisdiction may be eligible for Admission on Motion (see Pa. B.A.R. 204 for requirements). No applicant will be admitted under this rule who at any time has taken and failed the Pennsylvania bar examination. Additionally, attorney applicants must pass (no time limit) the MPRE with a minimum scaled score of 75. Attorney applicants who are disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for admission to the bar shall not be eligible for admission to the bar in Pennsylvania.

APPLICATIONS FOR LIMITED IN-HOUSE CORPORATE COUNSEL LICENSE

Every attorney not a member of the bar of this commonwealth, who is employed by, and performs legal services in Pennsylvania for a corporation, company, partnership, association or other non-governmental business entity, is required to obtain a Limited In-House Corporate Counsel license to engage in such practice without being admitted to the bar on motion or by examination. Attorneys who are licensed under this rule are duly permitted to provide certain legal services to the business entity by which they are employed and are not able to otherwise engage in the practice of law in Pennsylvania or to hold themselves out as attorneys in Pennsylvania. (See Pa.B.A.R. 302 for requirements)

FOREIGN LEGAL CONSULTANTS

A limited Foreign Legal Consultant (FLC) license will be issued to any foreign trained and licensed lawyer who meets the requirements outlined in Pa.B.A.R. 341. The practice of FLC will be limited to the duties outlined in Pa.B.A.R. 342.

POST ADMISSION

AREAS OF CONTINUING RESPONSIBILITY

For information regarding the following agencies, please contact the office directly:

Disciplinary Board of the Supreme Court of Pennsylvania
601 Commonwealth Ave., Suite 2700
PO Box 62485
Harrisburg, PA 17106-2485
(717) 231-3380
www.padisciplinaryboard.org

Pennsylvania Lawyer's Fund for Client Security
601 Commonwealth Ave., Suite 5400
PO Box 62585
Harrisburg, PA 17106-2585
(717) 231-9510
www.palawfund.com

Pennsylvania Continuing Legal Education Board
601 Commonwealth Ave., Suite 3400
P.O. Box 62495
Harrisburg, PA 17106-2495
(717) 231-3250
www.pacle.org

Bar Association Memberships:

Membership in a bar association is not mandatory. Please contact the local bar association directly for membership information.

PENNSYLVANIA LICENSED ATTORNEYS

All name and address changes for Pennsylvania licensed attorneys are processed by the Disciplinary Board of the Supreme Court of Pennsylvania. If you are a Pennsylvania licensed attorney and would like to request a name or address change please call (717) 231-3380.

Attorney Identification Cards and Numbers, Name and Address Changes and Yearly Assessment Notices - Please contact the Disciplinary Board office in Lemoyne at (717) 231-3380 for information regarding these items.

Wall Certificates of Admission and Certificates of Good Standing (once admitted to the bar) - Please contact the Supreme Court's Pittsburgh Prothonotary Office at (412) 565-2816.

**ANSWERS TO COMMONLY ASKED QUESTIONS
REGARDING CHARACTER AND FITNESS DETERMINATIONS**

WHO WILL BE RECOMMENDED FOR ADMISSION TO THE BAR?

The board will recommend the admission of those applicants who meet the character and fitness standards, pass the bar examination, and pass the MPRE.

WHAT ARE THE CHARACTER AND FITNESS STANDARDS?

The character and fitness standards require that an applicant to the bar be one whose record of conduct justifies the trust of clients, adversaries, courts and others. The hallmark of such a person is honesty, especially in connection with the application for admission to the bar. Persons with a record showing a deficiency in honesty, trustworthiness, diligence or reliability may not be recommended for admission.

WHAT IS CONDUCT SHOWING A POTENTIAL DEFICIENCY IN THE NECESSARY QUALITIES OF HONESTY, TRUSTWORTHINESS, DILIGENCE OR RELIABILITY?

Any of the following will be considered by the board to be a basis for further inquiry before recommending admission:

- unlawful conduct
- academic misconduct
- making false statement(s), including the omission of relevant facts
- misconduct in employment
- acts involving dishonesty, fraud, deceit or misrepresentation
- abuse of the legal process
- neglect of financial responsibilities, especially failure to repay student loans
- neglect of professional obligations
- violation of an order of a court
- evidence of mental or emotional instability, as it relates to the ability to practice law
- evidence of current or recent drug or alcohol dependency
- denial of admission to the bar in another jurisdiction on character and fitness grounds
- disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction

The application that each applicant completes inquires about each of the above.

HOW DOES THE BOARD CONDUCT FURTHER INQUIRY?

In addition to answering the questions on the application, an applicant will be asked to provide facts and a detailed explanation regarding specific incidents. To verify the accuracy of the information provided in the application, or to obtain additional information, the board may contact the applicant's employers, colleges and law schools, courts, medical providers, police agencies, credit agencies and other sources.

HOW DOES THE BOARD DETERMINE THE APPROPRIATE WEIGHT AND SIGNIFICANCE TO BE GIVEN TO THE PRIOR CONDUCT?

The board will use the following factors in assigning weight and significance regarding prior conduct:

- the applicant's age at the time of the conduct
- the recency of the conduct
- the reliability of the information concerning the conduct
- the seriousness of the conduct
- the factors underlying the conduct
- the cumulative effect of conduct or information
- the evidence of rehabilitation
- the applicant's positive social contributions since the conduct
- the applicant's candor in the admissions process
- the materiality of any omissions or misrepresentations

WHAT CAN I DO IF MY RECORD INCLUDES PROBLEMS OR EVENTS WHICH MIGHT CAUSE THE BOARD TO INQUIRE FURTHER?

As an applicant, you are obligated to cooperate fully with the board's investigation, providing prompt and complete responses to all questions and requests for records or explanation. If you have had a problem in the past, you may wish to offer the board additional evidence of rehabilitation. Absolute candor in completing the application and responding to the board's inquiries is critically important.

WHY IS EVIDENCE OF REHABILITATION SO IMPORTANT?

Evidence of rehabilitation is the most critical factor the board uses to determine whether past problems should lead to denial of admission. The board's standard for admission is current good character and fitness. Generally, the board will assess whether the problems continue and, if they do not, whether the applicant's life has changed in ways that suggest they are unlikely to recur.

WHAT KIND OF INQUIRY WILL BE CONDUCTED IF I HAVE HAD A HISTORY OF DRUG OR ALCOHOL ABUSE OR ADDICTION, OR TREATMENT FOR EITHER?

Because evidence of current or recent substance abuse is one of the "relevant conduct" factors about which the board must inquire, you should be prepared to provide treatment records, as well as other records of incidents which were associated with the addictive behavior. The Executive Director may offer you the option to delay your initial character and fitness determination for a period of time. During this time you have the option to contact Lawyers Concerned for Lawyers and schedule a chemical dependency evaluation. The confidential chemical dependency evaluation report will be added to your bar application, which will allow the Executive Director to conduct a more thorough review and render a character and fitness determination.

WILL IT DELAY MY ADMISSION IF I SEEK ALCOHOL OR DRUG TREATMENT DURING LAW SCHOOL?

If you have a problem with drugs or alcohol, you are strongly encouraged to get the counseling or treatment you need as soon as possible. Your recognition of the problem and your treatment record will be the best evidence you have of rehabilitation, regardless of the seriousness of any misconduct, which may have arisen from the dependency.

WHAT KIND OF INQUIRY WILL BE CONDUCTED IF MY RECORD INCLUDES A HISTORY OF PSYCHIATRIC OR PSYCHOLOGICAL COUNSELING?

Evidence of mental or emotional instability, like evidence of chemical or alcohol dependency, is one of the situations about which the board must inquire. Board members recognize that the stresses of law school, as well as other life factors, frequently result in applicants seeking psychiatric or psychological counseling. The board encourages you to obtain such counseling or treatment if you believe you might benefit from it. Only severe forms of mental or emotional problems which are related to your ability to practice law may warrant further inquiry during the bar admission process. Isolated instances or short-term consultations for conditions associated with emotional stress or anxiety is not of concern to the board.

WHY DOES THE BOARD INQUIRE ABOUT MISDEMEANOR OR FELONY ARRESTS, WHICH DID NOT RESULT IN CONVICTIONS?

There are many reasons why arrests do not result in convictions, many of which have no bearing on guilt or innocence. Applicants are required to report all incidents, and to provide evidence of rehabilitation and current good character. The occurrence of an acquittal or dismissal is relevant but not dispositive of the issue. This is not to suggest that the board will assume that any arrest was due to guilty conduct on the part of the applicant. The applicant's obligation is to be completely candid regarding all matters about which the board inquires.

WHY ARE FINANCIAL PROBLEMS, SUCH AS PAST-DUE DEBTS OR AN OLD BANKRUPTCY, RELEVANT TO MY ADMISSION?

The board recognizes that law students sometimes have financial problems associated with the expense of law school or with ongoing family obligations. The board also recognizes that mishandling of client funds is a frequent and serious cause for professional discipline. Admission to the bar does not require a perfect credit record. The board is interested in whether applicants have dealt honestly and responsibly with their creditors, and whether they are doing so at the time of application. Responsible dealings generally include, but are not limited to, keeping in contact with the creditor, making payment arrangements, and meeting the terms of those arrangements. Defaulted student loans and the failure to make child support payments are of particular concern to the board.

WHAT IS THE MOST COMMON REASON FOR DENIAL OF A BAR APPLICANT?

A pattern of dishonesty in dealings with employers, schools, and authorities, including the board is a common reason for denial of bar applicants. Giving false information on the application or failing to be completely candid in the application process is a serious issue, which will have negative consequences for an applicant. The failure to be fully responsive to application questions, or any other lack of candor in an application, involves unsworn statements made to an agency of the Supreme Court. Since this dishonesty would be both current and ongoing, the applicant charged would have a difficult time demonstrating rehabilitation.

WHEN IS THE CHARACTER AND FITNESS DETERMINATION MADE?

The initial investigation of the application commences after the bar examination. The character and fitness determination, however, is made only after the successful completion of the bar examination. The investigation and determination process can take anywhere from three weeks to more than one year depending on the nature of the investigation, the issues involved, response to requests for additional information, cooperation from outside sources, etc.

REHABILITATION

Where there has been past misconduct demonstrating a lack of the character and fitness necessary to be admitted to practice law, evidence of an applicant's rehabilitation will be considered by the board in evaluating the applicant's current fitness to practice law. The extent of rehabilitation evidence that is required to demonstrate the current fitness to practice law will vary with the seriousness of the past misconduct. As the seriousness of the misconduct increases, a greater showing of rehabilitation will be required.

The mere absence of additional bad behavior is insufficient to show rehabilitation. Conducting oneself in a manner expected of all attorneys is a necessary prerequisite for rehabilitation, but is insufficient by itself to demonstrate rehabilitation. Affirmative acts demonstrating personal reform and improvement are required in order to establish rehabilitation.

Elements considered in establishing rehabilitation include but not are limited to:

1. the passage of a sufficient period of time since the misconduct to demonstrate rehabilitation;
2. absence of misconduct in the intervening time since the misconduct;
3. candor and remorsefulness of the applicant before the board;
4. acceptance of responsibility for and renunciation of past misconduct;
5. lack of malice and ill feeling toward those who disclosed the misconduct or initiated proceedings related thereto;
6. affirmative recommendations for admission to the bar from those aware of the misconduct;
7. productive use of one's time for the benefit of society;
8. restitution of funds or property, where applicable;
9. a sufficient period of time of recovery if substance abuse was involved;
10. compliance with the conditions of any order applicable to the misconduct;
11. good reputation for professional ability, where applicable;
12. personal assurances, supported by corroborating evidence, of an intention to conduct oneself in an exemplary fashion in the future;
13. positive action showing rehabilitation by such things as a person's occupation, religion or community or civic service;
14. evidence of responsibility in addressing debts and dealing honestly with creditors when neglect of financial responsibilities is at issue.

Each case is considered on its own merits taking into account the nature of the misconduct, the elements of rehabilitation such as those listed above, and other relevant evidence submitted by the applicant in order to determine an applicant's current fitness to practice law.

ADDITIONAL QUESTIONS

If you have any questions that have not been answered by this document, you may contact the Pennsylvania Board of Law Examiners in writing at:

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