

THE COURTS

TITLE 204 – JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA CODE CH. 71]

PROPOSED AMENDMENT TO THE PENNSYLVANIA BAR ADMISSION RULES RELATING TO THE REQUIREMENTS AND PROCEDURES FOR ADMISSION BY UNIFORM BAR EXAMINATION SCORE TRANSFER AND ADDITIONAL AFFECTED RULES; AND ADOPTION OF NEW RULE 207

Notice of Proposed Rulemaking

Notice is hereby given that the Pennsylvania Board of Law Examiners (Board) is proposing the adoption of a rule setting the requirements and procedures for the admission of applicants by uniform bar examination (UBE) score transfer as well as additional rule changes required due to the adoption of the UBE.

In order to reorganize the numbering of its rules, the Board proposes to move the text of current Rule 206 into a new Rule 207 and then to have a new Rule 206 that describes the requirements for admission by transfer of a UBE score.

The proposed amendment to rule 206 provides the requirements for admission for an applicant seeking to transfer his or her UBE score from another jurisdiction into Pennsylvania. Rule 206 would provide that the applicant pass the UBE at the minimum passing score set by the Board, i.e. 272, as is done currently by Supreme Court order. The Board will continue to publish that score on its website. Under Rule 231, a bar exam score is valid for three years. Thus, Rule 206 provides that applicants seeking admission to the bar by UBE transfer score must submit a score no older than 30 months from the first day of the UBE administration for which they seek to transfer the score. Rule 206 also requires the applicant to submit, within six months of filing the application, any supporting documentation the Board requests from the applicant. Rule 206 additionally provides that if the applicant fails to provide the documentation, the Board will administratively withdraw the application. This will prevent stale applications and ensure that the UBE transfer score will have nearly the same validity period for transfer as scores earned by those taking the exam in Pennsylvania.

Under proposed Rule 206 applicants must also satisfy the requirements of paragraphs (a) (academic qualifications), (b)(2) (character and fitness), and proposed amendment (b)(3) (satisfactory completion of the MPRE as described in Rule 203). Finally, proposed Rule 206 informs an applicant that he or she can submit a supplemental application for admission under the rule if 36 months have not passed since the applicant took the examination from which the applicant attained the qualifying UBE score. The effect of this last requirement is to provide consistency with the existing requirement under Rule 231 that bar examination scores are valid for three years.

The Board proposes changing the titles of Rule 203 from “Admission of Graduates of Accredited and Unaccredited Institutions” to “Admission by Bar Examination,” of Rule 204 from “Admission of Domestic Attorneys” to “Admission by Reciprocity,” and of Rule 205 from “Admission of Foreign Attorneys and Graduates of Foreign Institutions” to “Admission by Bar Examination for Graduates of Foreign Law Schools.” The purpose of these changes is to align more closely the latter titles with the title of proposed amended Rule 206. This requires a corresponding change to the titles of the rules listed in Rule 202.

Rule 203 would also be changed to incorporate the requirement of successful completion of the MPRE at a score set by the Board, which will continue to be a scaled score of 75 or higher. This provision is currently by Supreme Court Order No. 169 Supreme Court Rules Docket No. 1 dated January 31, 1997. The Board proposes the elimination of the prohibition for admission under Rules 204, 304, and 311 for an applicant who has previously failed the Pennsylvania bar examination. Regarding Rule 341, the Board believes it appropriate to delete the reference to the Court’s setting the required score for the MPRE as any changes to that score will now be done by the Board.

Finally, the Board proposes the creation of a new Rule 207, which will include the text of the previous iteration of Rule 206 that regarded the disqualification of an applicant for cheating on the bar examination.

Interested persons are invited to submit written comments regarding the proposed amendments to the Counsel to the Board, Pennsylvania Board of Law Examiners, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 3600, P.O. Box 62535, Harrisburg, PA 17106-2535, no later than May 27, 2021.

By The Pennsylvania Board of Law Examiners
Supreme Court of Pennsylvania

A handwritten signature in cursive script that reads "Gicine P. Brignola".

Gicine P. Brignola
Executive Director