

# THE BAR EXAMINATION AND ADMISSION TO THE BAR: AN ANNOTATED BIBLIOGRAPHY OF ARTICLES, 1998–2007

by Arturo Torres and Bryan J. Guymon

This bibliography is meant to be a resource for academics, bar examiners, students, and others who are interested in finding leading articles written about the bar examination and/or admission to the bar. It is an update of three period-specific bibliographies printed in *THE BAR EXAMINER*.<sup>1</sup> The current bibliography includes applicable articles published in U.S. law reviews and *THE BAR EXAMINER* between 1998 and 2007.

We performed searches in Westlaw's Legal Resource Index (electronic companion to *Current Law Index*), LEXIS's Legal Resource Index, and the Index to Legal Periodicals and Books, via Wilson Web. Searches using "bar examination," "bar exam!," "admission to the bar," and "bar admissions" along with an appropriate date qualification were performed and the results reviewed by the authors for relevancy and applicability. Any non-academic publications, with limited exceptions including *THE BAR EXAMINER*, were excluded at this point. We then annotated the remaining articles. Finally, we examined the footnotes of each selected article for additional relevant citations.

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<sup>1</sup> Thomas Goolsby, *A Bibliography Related to Bar Examinations and Admission to Legal Practice—First Compilation*, 38 *BAR EXAMINER* 139 (No. 7–8 1969); Thomas Goolsby, *An Annotated Bibliography Related to Bar Examinations and Admission to Legal Practice—Second Compilation*, 39 *BAR EXAMINER* 93 (No. 5–6 1970); Pam Hollenhorst, *Admission to the Bar: An Annotated Bibliography of Law Review Articles, 1989–1997*, 66 *BAR EXAMINER* 35 (Nov. 1997).

We examined each selected article and assigned it to one of two broad categories—The Bar Examination or Admission to the Bar. We then filed each article into a specific subcategory. Some of these subcategories were adopted from the 1989–1997 bibliography, and other subcategories are new. For any article that fit into more than one subcategory, we determined the principal subject and assigned the article accordingly.

Finally, although we have aimed for comprehensiveness, it is possible that we have inadvertently overlooked some excellent pieces, and for that, we apologize in advance. Readers are invited to call our attention to any relevant work for possible inclusion in a future update.

## I. THE BAR EXAMINATION

### A. In General

Barkan, Steven M., *Should Legal Research Be Included on the Bar Exam? An Exploration of the Question*, 99 *LAW LIBRARY JOURNAL* 403 (Spring 2007).

Articulates various reasons why legal research should be included on the bar examination and why doing so would lead to new admittees' having better legal research skills.

Case, Susan M., *Licensure in My Ideal World*, 74 *BAR EXAMINER* 26 (November 2005).

The ideal bar examination is the subject of this essay, which concludes that no one test format should be used in isolation, but that various formats should be combined.

Darrow-Kleinhaus, Suzanne, *A Response to the Society of American Law Teachers Statement on the Bar Exam*, 54 JOURNAL OF LEGAL EDUCATION 442 (September 2004).

Arguing for the status quo and against the Society of American Law Teachers (SALT)'s alternative proposal to the traditional bar examination.

Kane, Michael T., *The Role of Licensure Tests*, 74 BAR EXAMINER 27 (February 2005).

An argument for using the bar examination as a test of entry-level competency, even though it may not gauge effective performance in practice.

Kaufman, Keith A. et al., *Passing the Bar Exam: Psychological, Educational, and Demographic Predictors of Success*, 57 JOURNAL OF LEGAL EDUCATION 205 (June 2007).

Provides a comprehensive analysis of bar examination passage predictors by evaluating the role of demographics and educational variables; the effects of psychological variables such as worry, test anxiety, and personality; and the effects of time management. In part, the authors conclude that among the psychological variables, test anxiety and neuroticism had a significant relationship to performance on the bar examination.

Kennedy, Dennis, *Internet Resources for Bar Examiners*, 67 BAR EXAMINER 37 (November 1998).

Provides some of the Internet resources and sites that may assist bar examiners in preparing questions.

Kuechenmeister, Marcia, *Admission to the Bar: We've Come a Long Way,*

68 BAR EXAMINER 25 (February 1999).

Reviews characteristics of the MBE, MEE, and MPT, and focuses on how these exams, when taken together, validate bar admission decisions.

Logan, David A., *Upping the Ante: Curricular and Bar Exam Reform in Professional Responsibility*, 56 WASHINGTON AND LEE LAW REVIEW 1023 (Summer 1999).

A call for states to include professional responsibility on the essay portion of their bar examinations.

Melli, Marygold Shire & James B. Tippin, Jr., *A Look Forward—and Back: Predictions for Bar Admissions in the 21st Century*, 69 BAR EXAMINER 10 (February 2000).

Two bar examination experts reflect on their now fifteen-year-old predictions on what the bar examination would be like and predict the same into the future.

Moeser, Erica, *Rethinking Assessments and Alternatives to Assessments from the Perspective of a Bar Examiner*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 1051 (Summer 2004).

Argues that the overriding objective of the bar examination and bar admission ought to be consumer protection.

Reitman, Jonathan W., *What Every Successful Bar Applicant Should Know About Alternative Dispute Resolution*, 67 BAR EXAMINER 23 (February 1998).

A call to include Alternative Dispute Resolution (ADR) concepts, principles, methodologies, and public policy questions on the bar examination.

Sandifer, Mary, *Testing, Testing: New Testing Standards, ADA, and Cheating*, 70 BAR EXAMINER 28 (August 2001).

Summarizes and comments on some of the issues—such as ADA, cheating, testing standards, etc.—discussed at the Council on Licensure, Enforcement, and Regulations (CLEAR) conference.

Sekhon, Vijay, *The Over-Education of American Lawyers: An Economic and Ethical Analysis of the Requirements for Practicing Law in the United States*, 14 GEORGE MASON LAW REVIEW 769 (Spring 2007).

After justifying the education requirements needed to become a lawyer, the author proceeds to outline the same for the bar and moral character examinations. In the end, he questions whether these prerequisites are reasonably tailored to achieve their imputed ends and whether their benefits outweigh the substantial economic and ethical costs they impose.

Society of American Law Teachers, *Society of American Law Teachers Statement on the Bar Exam*, 52 JOURNAL OF LEGAL EDUCATION 446 (September 2002).

Criticizes various states for raising the requisite passing bar examination score; the statement offers three major arguments against this trend and highlights several alternatives to the existing bar examination model.

Stamm, R. David & Beverly Tarpley, *A Look Forward—and Back: Predictions for Bar Admissions in the 21st Century*, 69 BAR EXAMINER 23 (May 2000).

More-current reflections by authors on their predictions in 1985 as to the fate of bar admissions.

Thomas, Michael J., *The American Lawyer's Next Hurdle: The State-Based Bar Examination System*, 24 JOURNAL OF THE LEGAL PROFESSION 235 (Spring 2000).

Criticizes the self-interested nature of permanent admission rules.

Trujillo, Lorenzo A., *The Relationship Between Law School and the Bar Exam: A Look at Assessment and Student Success*, 78 UNIVERSITY OF COLORADO LAW REVIEW 69 (Winter 2007).

Based on research conducted at the author's law school, this article summarizes current bar examination practices, proposes reform, and recommends ways to better prepare students to take and pass the exam.

Whitman, Dale A., *Redefining the Bar Examination: Notes from the Joint Working Group Conference*, 74 BAR EXAMINER 21 (February 2005).

A reflective piece by an attendee of a conference comprising various groups concerned with bar admissions.

## B. Testing

### 1. Principles of Testing

Case, Susan M., *The Testing Column: Back to Basic Principles: Validity and Reliability*, 75 BAR EXAMINER 23 (August 2006).

A description and explanation of validity and reliability in "high-stakes examinations" such as the bar examination.

Case, Susan M., *The Testing Column: Bar Examining and Reliability*, 72 BAR EXAMINER 23 (February 2003).

A report on an AALS three-hour program entitled "How to Conduct Exams," which emphasized test reliability.

Case, Susan M., *The Testing Column: Demystifying Scaling to the MBE: How'd You Do That?*, 74 BAR EXAMINER 45 (May 2005).

Describes the procedures used by NCBE in scaling essay scores to the MBE.

Case, Susan M., *The Testing Column: Feedback to Candidates Regarding MBE Performance and an Introduction to "Gain Scores,"* 74 BAR EXAMINER 28 (August 2005).

Cautions MBE test takers who fail the exam that simply relying on raw test scores may be misleading since they are not scaled scores, which take into account the difficulty of the particular questions answered.

Case, Susan M., *The Testing Column: Frequently Asked Questions About Scaling Written Test Scores to the MBE*, 75 BAR EXAMINER 42 (November 2006).

Explains scaling, the statistical procedure that puts essay scores on the same score scale as MBE scores.

Case, Susan M., *The Testing Column: How Can We Help?*, 76 BAR EXAMINER 41 (May 2007).

Describes the services offered by NCBE to jurisdictions.

Case, Susan M., *The Testing Column: MBE "Decimal Dust,"* 73 BAR EXAMINER 33 (February 2004).

Describes the differences between raw and scaled scores, with emphasis on the usefulness of the latter.

Cohen, Allan S. & Erica Moeser, *Standardizing Essay Scores: Correct-*

*ing for Differences in Difficulty Among Essay Questions*, 69 BAR EXAMINER 20 (February 2000).

Because the difficulty of essay questions can vary, this paper presents and explains the statistical method used to ensure that all questions are weighted equally in the total test score.

Harris, Deborah J., *Equating the Multistate Bar Examination*, 71 BAR EXAMINER 12 (August 2003).

An explanation of the need for equating (a statistical adjustment allowing examinee score comparisons over time), the equating process, and how equating affects scores.

Kane, Michael T., *To Round or to Truncate? That Is the Question*, 72 BAR EXAMINER 24 (November 2003).

Discusses whether to round or truncate MBE test scores with various scenario results as to the three proposed rules.

Kane, Michael T. & Andrew Mroch, *Equating the MBE*, 74 BAR EXAMINER 22 (August 2005).

Detailed description of the equating process used by NCBE in scoring the MBE. Equating procedures are used to adjust for any variability in difficulty across the different MBE test forms.

Ripkey, Douglas R., *Interpreting Performance on Bar Examinations—Which Score Types Make the Grade?*, 73 BAR EXAMINER 25 (November 2004).

Explains the most common types of scores (e.g., raw scores, percentile rank, and scaled scores) and identifies issues that may affect their proper interpretation.

Sandifer, Mary, *Testing, Testing: Avoiding Bias in Testing*, 70 BAR EXAMINER 39 (November 2001).

Provides basic background information on the nature and detection of test bias and concludes by describing the procedures taken by NCBE and others to prevent test bias.

Sandifer, Mary, *Testing, Testing: Transfer Applicants and Previous MBE Scores*, 70 BAR EXAMINER 40 (February 2001).

Describes possible options and statistical caveats for jurisdictions allowing transfer applicants (e.g., applicants who have already passed the MBE in another jurisdiction).

Smith, Jane, *Testing, Testing*, 69 BAR EXAMINER 52 (February 2000).

Briefly describes NCBE's MBE test scaling and combining service using one of two methods: the standard deviation or the equipercentile.

Wollack, James A., *Detecting Answer Copying on High-Stakes Tests*, 73 BAR EXAMINER 35 (May 2004).

A detailed discussion of copy detection analysis and how performing such analysis can bolster an allegation of answer copying. Specifically, the article describes the interpretation of answer copying indices and how they should be used in practice.

## 2. Standard Setting

Corneille, Margaret Fuller, *Examining Passing Examination Scores*, 70 BAR EXAMINER 17 (November 2001).

A description of Minnesota's attempt to use the Klein Method to increase the cut score of the Minnesota Bar Examination.

Kane, Michael T., *Conducting Examinee-Centered Standard-Setting Studies Based on Standards of Practice*, 71 BAR EXAMINER 6 (November 2002).

The second of two related articles on standard setting. This article's focus is on specific design aspects of examinee-centered standard-setting procedures, containing suggested ways to relate performance standards to practice.

Kane, Michael T., *Practice-Based Standard Setting*, 71 BAR EXAMINER 14 (August 2002).

The first of two related articles on standard setting. This article reviews the general issues involved in developing licensure examination standards, arguing that performance standards for bar examinations that are limited to practice requirements can be achieved by using examinee-centered standard-setting procedures.

Kane, Michael T., *Standard Setting for Licensure Examination*, 70 BAR EXAMINER 6 (November 2001).

Describes test-centered versus examinee-centered standard-setting methods while concluding that the choice of a passing-level score is a matter of public policy.

Klein, Stephen P., *Setting Bar Exam Passing Scores and Standards*, 70 BAR EXAMINER 12 (November 2001).

Explains his bar examination standard-setting method, known as the Klein Method.

Link, Frederick, *Rational Standard Setting in Lawyer Qualification: A Critical Look at the Proposal of the New York Board of Law Examiners to Increase the Passing Score on*

*the Bar Examination*, 23 BUFFALO PUBLIC INTEREST LAW JOURNAL 51 (2004–2005).

Unlike other critiques of the methodology of Stephen Klein (a nationally recognized expert in psychometric testing), this piece applies to his methodology a cost-benefit analysis, viewed in light of New York's raising the bar examination passage score. The author also offers suggestions to improve the Klein Method.

Merritt, Deborah J. et al., *Raising the Bar: A Social Science Critique of Recent Increases to Passing Scores on the Bar Exam*, 69 UNIVERSITY OF CINCINNATI LAW REVIEW 929 (Spring 2001).

A critique of the movement by certain states in the 1990s to raise the passing scores on their bar examinations.

Merritt, Deborah J., *Raising the Bar: Limiting Entry Into the Legal Profession*, 70 BAR EXAMINER 9 (November 2001).

Argues that raising the bar examination passage scores hampers the diversification of the bar.

Pobjecky, Thomas A., *The Long and Winding Road: Determining the Pass/Fail Line for Florida's Bar Examination*, 72 BAR EXAMINER 25 (May 2003).

Provides background and explanation of the 2003 Florida Supreme Court's decision to raise the pass/fail line from 131 to 136.

Sandifer, Mary, *Testing, Testing*, 69 BAR EXAMINER 35 (May 2000).

Presents some general guidelines for setting pass/fail scores and describes some of the more persistent myths about this procedure.

### 3. Test Security

Dows, Mark S., *One Administrator's Thoughts on—and Experiences with—Security of Test Materials*, 74 BAR EXAMINER 6 (August 2005).

A state bar examiner provides security tips to bar examiners.

Gundersen, Judith A., *Testing, Testing: Exam Security: A Constant Among the Variables in Bar Admissions*, 71 BAR EXAMINER 34 (February 2002).

Offers descriptions of bar examination security: (1) current security steps taken by NCBE with respect to test development and administration, (2) suggested practices to enhance security, and (3) suggested procedures in case of a security breach.

Lamb, Richard R., *How to Avoid Losing a Test Book: Interviews with the Experts*, 70 BAR EXAMINER 18 (August 2001).

This piece uses a question-and-answer format to provide advice on examination security by experts on the consequences of losing a test book, the techniques used to steal test books, and the investigative process.

Newton, Thomas, *Recent Developments in High-Tech Cheating*, 74 BAR EXAMINER 10 (August 2005).

Briefly summarizes and describes how applicants might use technology to cheat on bar examinations and touches on suggested procedures to deal with this kind of cheating.

### 4. The Multistate Bar Examination (MBE)

Bonner, Sarah M., *A Think-Aloud Approach to Understanding Performance on the Multistate Bar*

*Examination*, 75 BAR EXAMINER 6 (February 2006).

A report of research conducted on 25 recent law graduates preparing for the Multistate Bar Examination, entailing audio recording of examinee reactions to practice exams. The study found that high performance on selected items was associated with effective use of legal principles in analyzing fact situations rather than on factors such as reading comprehension and test-taking techniques.

Case, Susan M., *The Testing Column*, 71 BAR EXAMINER 36 (August 2002).

Reviews the MBE results from the February 2002 examination and explains the various analyses conducted to validate the exam.

Case, Susan M., *The Testing Column: A New Study Guide for the MBE*, 76 BAR EXAMINER 32 (February 2007).

Describes the newly released National Conference of Bar Examiners MBE-AP (the MBE Annotated Preview), designed as an Internet tool to assist subscribers/test takers in preparing for the MBE.

Case, Susan M., *The Testing Column: Men and Women: Differences in Performance on the MBE*, 75 BAR EXAMINER 44 (May 2006).

A study conducted by NCBE showing that men outperformed women on the MBE by about five points.

Case, Susan M., *The Testing Column: The MBE Turns 30*, 71 BAR EXAMINER 29 (November 2002).

Briefly describes the development of the MBE, concentrating on justification for the examination.

Sandifer, Mary M. & Charles S. Kunce, *Repeated Use of MBE Items: Are Scores Affected?*, 67 BAR EXAMINER 15 (February 1998).

The authors found that repeat takers do not benefit from reuse of selected previously used MBE test questions.

Solove, Daniel J., *The Multistate Bar Exam as a Theory of Law*, 104 MICHIGAN LAW REVIEW 1403 (May 2006).

A tongue-in-cheek piece poking fun at the MBE.

### 5. The Multistate Professional Responsibility Examination (MPRE)

Hayden, Paul T., *Putting Ethics to the (National Standardized) Test: Tracing the Origins of the MPRE*, 71 FORDHAM LAW REVIEW 1299 (March 2003).

Provides a detailed account of the history, development, implementation, and possible future of the Multistate Professional Responsibility Examination (MPRE).

Levin, Leslie C., *The MPRE Reconsidered*, 86 KENTUCKY LAW JOURNAL 395 (1997–1998).

After describing the background of the MPRE, the author questions whether it is the best instrument for ensuring that bar applicants acquire and demonstrate knowledge of professional responsibility concepts.

### 6. Essay Examinations

Duhl, Stuart, *Drafting Bar Exam Questions in Historical Perspective—Are Today's Essay Questions Better?*, 75 BAR EXAMINER 25 (November 2006).

Encourages jurisdictions to use the Multistate Essay Examination

(MEE) or develop their own similar questions rather than use questions from an exam bank.

Early, Kellie R., *Practices and Procedures to Improve Grading Reliability on Essay Examinations: A Guide to the Care and Feeding of Graders*, 73 BAR EXAMINER 6 (November 2004).

The executive director of the Missouri Board of Law Examiners describes the implementation and administration of the board's grading conference, whereby all graders come together for 2½ days to grade bar examinations, which appears to improve test reliability.

Gundersen, Judith A., *A New Mix of Questions on the Multistate Essay Examination*, 75 BAR EXAMINER 6 (August 2006).

A description of the revamped MEE with brief discussions of its history, purpose, content, features, and pricing structures.

Walljasper, Annie & Marlyce Gholston, *Drafting and Grading Essay Questions in Oregon*, 68 BAR EXAMINER 23 (November 1999).

A detailed account of the drafting and grading of the Oregon bar examination essay questions.

## 7. Performance Tests

Anscher, Barbara M., *Turning Novices into Experts: Honing Skills for the Performance Test*, 24 HAMLINE LAW REVIEW 224 (Winter 2001).

Describes the Multistate Performance Test (MPT), designed as a test of fundamental lawyering skills, and presents test-taking strategies for the MPT based on the author's experience using the California Performance Test (CPT).

Askew, Hulett H., *Why Georgia Adopted Performance Testing*, 67 BAR EXAMINER 30 (February 1998).

Outlines the rationale expressed by the Georgia Board of Bar Examiners for adopting the MPT.

Darrow-Kleinhaus, Suzanne, *Incorporating Bar Pass Strategies into Routine Teaching Practices*, 37 GONZAGA LAW REVIEW 17 (2001–2002).

Over half of the jurisdictions now test lawyering skills through the MPT. The author describes this test and analyzes how its components can be incorporated into the classroom.

Gundersen, Judith A., *Happy Birthday, MPT!*, 76 BAR EXAMINER 18 (November 2007).

Recounts the history of the MPT; explains how a typical MPT item is developed, administered, and graded; and provides an example of a recent MPT task memorandum.

Kordesh, Maureen Straub, *Reinterpreting ABA Standard 302(f) in Light of the Multistate Performance Test*, 30 UNIVERSITY OF MEMPHIS LAW REVIEW 299 (Winter 2000).

The author attempts to develop a framework in the law school curriculum for including the skills of practice that are tested by the MPT.

Smetanka, Stella L., *The Multistate Performance Test: A Measure of Law Schools' Competence to Prepare Lawyers*, 62 UNIVERSITY OF PITTSBURGH LAW REVIEW 747 (Summer 2001).

An argument for including the MPT alongside the MBE and essay examinations.

Smith, Jane, *Testing, Testing*, 68 BAR EXAMINER 46 (May 1999).

The column provides responses to frequently asked questions about the MPT, emphasizing the procedures used in its development.

## C. Minority Applicants

Clydesdale, Timothy T., *A Forked River Runs Through Law School: Toward Understanding Race, Gender, Age, and Related Gaps in Law School Performance and Bar Passage*, 29 LAW & SOCIAL INQUIRY 711 (Fall 2004).

Using the National Longitudinal Bar Passage study data, the author demonstrates that a gap exists in bar passage rates across racial categories. He concludes that law schools exacerbate the gap, but offers several suggestions on how to minimize this gap.

Colton, Milo, *What Is Wrong with the Texas Bar Exam? A Minority Report*, 28 THURGOOD MARSHALL LAW REVIEW 53 (Fall 2002).

Traces the history of the current Texas bar examination and criticizes it based on the large number of minority test takers who fail it each year.

Cross, Jane E., *The Bar Examination in Black and White: The Black-White Bar Passage Gap and the Implications for Minority Admissions to the Legal Profession*, 18 NATIONAL BLACK LAW JOURNAL 63 (2004–2005).

Presents evidence that the bar examination has had an adverse impact on diversification of the legal profession due to the lower pass rates of minority examinees as compared to non-minority examinees.

Gregory, Rachel L., *Florida's Bar Exam: Ensuring Racial Disparity, Not Competence*, 18 GEORGETOWN

JOURNAL OF LEGAL ETHICS 771 (Summer 2005).

Critical of the Florida Supreme Court's stated 2003 decision to raise the passing bar examination score from 131 to 136, the author challenges the motives of the court based on statistical and other data, concluding that the decision to raise the passing score ignored the likely disparate impact and was not supported by the stated evidence.

Ho, Daniel E., *Why Affirmative Action Does Not Cause Black Students to Fail the Bar*, 114 YALE LAW JOURNAL 1997 (June 2005).

Criticizes and challenges the assertion made by Richard Sander (in *Affirmative Action in American Law Schools*, 57 STANFORD LAW REVIEW 367 (2004)) that affirmative action in U.S. law schools causes black students to fail the bar examination. Sander's response to this assertion can be found in *Mismeasuring the Mismatch: A Response to Ho*, 114 YALE LAW JOURNAL 2005 (2005). Ho replied to this response in *Affirmative Action's Affirmative Actions: A Reply to Sander*, 114 YALE LAW JOURNAL 2011 (2005).

Kane, Michael T. et al., *Pass Rates and Persistence on the New York Bar Examination Including Breakdowns for Racial/Ethnic Groups*, 76 BAR EXAMINER 6 (November 2007).

Summarizes some of the main results of the New York State Board of Law Examiners' studies. The findings show that the difference in pass rates between the Caucasian/White and Black/African American groups was fairly large.

Kidder, William C., *The Bar Examination and the Dream Deferred: A Critical Analysis of the MBE, Social Closure, and Racial and Ethnic Stratification*, 29 LAW

& SOCIAL INQUIRY 547 (Summer 2004).

During the 1990s, several states raised their bar passage scores, causing the author to question the phenomenon using social closure theory and labor market analysis and to conclude that the National Conference of Bar Examiners (NCBE) should minimize the disparate impact of the MBE for people of color.

Ripkey, Douglas R. & Susan M. Case, *A National Look at MBE Performance Differences Among Ethnic Groups*, 76 BAR EXAMINER 21 (August 2007).

A report of NCBE's initial research on ethnic group performance on the Multistate Bar Examination (MBE) showing significant differences between black, white, and Hispanic examinees.

#### D. Applicants with Disabilities and the ADA

Ballard, Robin S. & Amiram Elwork, *Accommodating Learning Disabled Applicants During Bar Examinations: What Is Reasonable Under the ADA?*, 74 BAR EXAMINER 31 (November 2005).

Discusses the legal implications of learning disabilities and whether they impede the practice of law.

Brown, Jeff, *A Learning Disabled Lawyer's Perspective: A Response to "Lowering the Bar": Integrity, Stereotypical Attitudes, and Reasonable Accommodations*, 42 SOUTH TEXAS LAW REVIEW 129 (Winter 2000).

Explains learning disabilities as they relate to lawyers, the legal balance between the individual and the institution, and stereotypes about learning disabled students.

Burgoyne, Robert A., *ADA Update: Bartlett V. Gonzales, Garrett, Buckhannon, and Edwards*, 70 BAR EXAMINER 31 (November 2001).

Discusses the five titled cases and their possible impact on bar examiners when confronted with Americans with Disabilities Act (ADA) accommodation requests on the bar examination.

Burgoyne, Robert, *ADA Update: Bartlett Decided on Remand from the Supreme Court, Two Other Noteworthy Decisions, and the Supreme Court Hears Argument on the ADA and the 11th Amendment*, 69 BAR EXAMINER 7 (November 2000).

A review of several noteworthy cases involving ADA and professional licensure issues.

Carson, Janet Duffy, *Testing Individuals Who Have Non-Disabling Conditions*, 76 BAR EXAMINER 36 (November 2007).

Describes the appropriate treatment of examinees with temporary or non-disabling conditions who request accommodations.

Duhl, Stuart & Gregory M. Duhl, *Testing Applicants with Disabilities*, 73 BAR EXAMINER 7 (February 2004).

A description of various testing accommodations for bar examination applicants with disabilities, including suggestions as to how bar examiners should address requests for accommodations.

Goldstein, David B., *Ethical Implications of the Learning Disabled Lawyer*, 42 SOUTH TEXAS LAW REVIEW 111 (Winter 2000).

This short essay calls for the integration of learning disabled attorneys into the profession.

Gordon, Michael et al., *Attention Deficit Hyperactivity Disorder (ADHD) and Test Accommodations*, 67 BAR EXAMINER 26 (November 1998).

Offers guidelines for bar examiners in dealing with the seeming explosion of requests for accommodations from applicants with ADHD.

Haight, Marilyn et al., *Ensuring Access to the Multistate Professional Responsibility Examination: High-Stakes Professional Testing and Accommodations Under the Americans with Disabilities Act*, 76 BAR EXAMINER 19 (February 2007).

Describes four considerations when accommodating MPRE examinees with disabilities: request, review process, test validity, and security.

Hazen, Edwin R. & Robert D. Dinerstein, *The Rights of Bar Examination Applicants with Disabilities in the United States*, 6 HUMAN RIGHTS BRIEF 5 (Winter 1999).

Briefly reviews the *Bartlett v. New York Board of Law Examiners* case in which the Second Circuit concluded that the defendant violated the plaintiff's right under the ADA to reasonable accommodation to take the bar examination.

Heywood, Samuel S., Note, *Without Lowering the Bar: Eligibility for Reasonable Accommodations on the Bar Exam for Learning Disabled Individuals Under the Americans with Disabilities Act*, 33 GEORGIA LAW REVIEW 603 (Winter 1999).

Argues that persons with learning disabilities are entitled under the ADA to reasonable accommodations on the bar examination.

Hunsicker, Freedley, *Learning Disabilities, Law Schools, and the*

*Lowering of the Bar*, 42 SOUTH TEXAS LAW REVIEW 1 (Winter 2000).

The author questions and takes issue with the rationale and validity of the ADA as it pertains to disabilities that impair reading, writing, and organizational skills, claiming that these skills are central to the lawyer's craft.

Kelso, R. Randall, *Reflections on the Learning Disabled Lawyer: Or, On the Importance of Being Swift—A Modest Proposal*, 42 SOUTH TEXAS LAW REVIEW 119 (Winter 2000).

The author is not convinced that the current balance between speed and accuracy in traditional professional examinations for law is justified in terms of measuring skills essential for the practice of law. He argues that accuracy ultimately is more important for most tasks performed by an attorney than is the speed of the response.

Mew, Caroline M. & Robert A. Burgoyne, *ADA Update: The Status of Eleventh Amendment Immunity and the Rooker-Feldman Doctrine as Defenses to Claims Asserted Against Bar Examiners Under the ADA*, 76 BAR EXAMINER 13 (August 2007).

The ability to raise Eleventh Amendment and *Rooker-Feldman* defenses to claims asserted in federal court under the ADA was curtailed by certain Supreme Court decisions. The article provides an overview of these decisions and discusses the likely effects for bar examiners and administrators.

Ranseen, John D., *Reviewing ADHD Accommodation Requests: An Update*, 69 BAR EXAMINER 6 (August 2000).

Provides an update on ADA procedures and cases as they pertain

to Attention Deficit Hyperactivity Disorder (ADHD).

Snyder, Michael T., Comment, *An Examination of the New York State Board of Law Examiners' Policy Towards Individuals with Learning Disabilities*, 62 ALBANY LAW REVIEW 737 (1998).

Examines a variety of issues that arise when learning disabled applicants seek accommodations for the bar examination and offers suggestions aimed at the New York Board of Law Examiners, but perhaps applicable to other boards as well.

Torain, Tony W. et al., *Assisting Law Students with Disabilities in the 21st Century: Brass Tacks: Panel 3: The Bar Examination*, 15 AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY AND THE LAW 861 (2007).

A transcribed podcast of a panel discussion featuring various experts, including the director of character and fitness for the Maryland Board of Law Examiners, on students with disabilities and the bar examination, specifically addressing the issue of how to work with students with particular ADA issues in such a way as to level the playing field without being unfair to other exam takers.

Tucker, Douglas E., *Accommodations for Psychiatric Disabilities on the Bar Examination: Perspectives from an Expert Reviewer*, 71 BAR EXAMINER 14 (November 2002).

A description of procedures used by an expert in evaluating requests for accommodations for psychiatric disabilities, with a section on test anxiety.

Williams, Justin G., *The ADA and Bar Examinations: The Relationship Between Applicants, Physicians, and*



*Law Examination Boards in Light of Ware v. Wyoming Board of Law Examiners*, 25 JOURNAL OF THE LEGAL PROFESSION 249 (2001).

Examines the ADA as applied to bar examinations in light of *Ware v. Wyoming Board of Law Examiners*.

Williams, W. Ray, *Hand-up or Handout? The Americans with Disabilities Act and "Unreasonable Accommodation" of Learning Disabled Bar Applicants: Toward a New Paradigm*, 34 CREIGHTON LAW REVIEW 611 (April 2001).

Reviews the background surrounding the term "learning disability," concluding that learning disabled individuals should not be given extra time in the bar examination because it is unfair to individuals with comparable academic disabilities.

Zuriff, G.E., *Accommodations for Test Anxiety Under the ADA?*, 68 BAR EXAMINER 15 (February 1999).

With increasing numbers of test takers requesting accommodations under the ADA for an array of reasons, the author explores whether test anxiety may fall within the ADA purview, concluding that it may under certain circumstances.

## E. Legal Education

Bahls, Steven, *Standard Setting: The Impact of Higher Standards on the Quality of Legal Education*, 70 BAR EXAMINER 15 (November 2001).

Description by a law school dean of what one law school did in response to the raised passing score for the Ohio Bar Examination.

Bratman, Ben, *For-Credit Bar Exam Preparation: A Legal Writing Model*, 76 BAR EXAMINER 26 (November 2007).

The author describes his law school's for-credit bar preparation course, which focuses on the written portions of the bar examination.

Cabrera, Richard, *Working to Improve: A Plan of Action for Improving the Bar Exam Pass Rate*, 27 WILLIAM MITCHELL LAW REVIEW 1169 (2000).

After providing a brief history of the bar examination and an explanation of the need for bar preparation courses, this essay describes the William Mitchell College of Law's bar preparation workshop.

Carpenter, Catherine L., *Recent Developments in Law School Curricula: What Bar Examiners May Want to Know*, 74 BAR EXAMINER 39 (November 2005).

A summary of the ABA's *A Survey of Law School Curricula* (2005), finding little evidence to suggest that the "bar factor" drove law school curricular decision making regarding graduation requirements.

Committee on Bar Admissions and Lawyer Performance & Richard A. White, *AALS Survey of Law Schools on Programs and Courses Designed to Enhance Bar Examination Performance*, 52 JOURNAL OF LEGAL EDUCATION 453 (September 2002).

In order to determine how law schools were reacting to the increased scores required to pass bar examinations in the 1990s, the Association of American Law Schools (AALS)'s Committee on Bar Admissions and Lawyer Performance developed and administered a survey, the results of which led to the conclusion that preparation for the bar examination is an important issue for law schools.

Day, Christian C., *Law Schools Can Solve the "Bar Pass Problem"—"Do the Work!"*, 40 CALIFORNIA WESTERN LAW REVIEW 321 (Spring 2004).

Reviews bar examinations in general, the passage rate decline, and the need to reverse the decline, and offers suggestions of what law schools can do to improve bar passage rates.

Dean, Kenneth D., *Information Sharing with Law Schools—One Dean's Perspective*, 71 BAR EXAMINER 15 (February 2002).

A Missouri law school dean offers his perspective on information sharing between the state's law schools and the Missouri Board of Law Examiners with respect to bar examination results and admissions.

Early, Kellie R., *Information Sharing with Law Schools*, 70 BAR EXAMINER 14 (August 2001).

Describes the Missouri Board of Law Examiners' process for sharing bar examination statistics with the state's law schools.

Jellum, Linda & Emmeline Paulette Reeves, *Cool Data on a Hot Issue: Empirical Evidence That a Law School Bar Support Program Enhances Bar Performance*, 5 NEVADA LAW JOURNAL 646 (Spring 2005).

Reviews and presents criticism of the bar examination and offers empirical evidence that bar support programs may increase a school's bar passage rate.

Reynolds, Thurston Howard, II, *Helping Graduates Who Fail the Bar Examination*, 6 THOMAS GOODE JONES LAW REVIEW 1 (2002).

Summarizes the author's approach to helping students prepare to retake the bar examination.

Riebe, Denise, *A Bar Review for Law Schools: Getting Students on Board to Pass Their Bar Exams*, 45 BRANDEIS LAW JOURNAL 269 (Winter 2007).

In view of the American Bar Association (ABA)'s new interpretation permitting law schools to grant academic credit for bar preparation courses, the author provides a detailed road map for schools to follow.

Riebe, Denise, *Readers' Expectations, Discourse Communities, and Effective Bar Exam Answers*, 41 GONZAGA LAW REVIEW 481 (2005–2006).

Advocates that law schools teach bar-examination-specific writing skills using the "reader expectation" approach.

Rush, Douglas K. & Hisako Matsuo, *Does Law School Curriculum Affect Bar Examination Passage? An Empirical Analysis of Factors Related to Bar Examination Passage During the Years 2001 Through 2006 at a Midwestern Law School*, 57 JOURNAL OF LEGAL EDUCATION 224 (June 2007).

By analyzing the bar examination performance of recent graduates in Missouri, the authors sought to discover whether there was an empirically proven relationship between taking bar examination subject-matter courses and passing the Missouri Bar Examination. In part, this study also explored whether there were relationships between the taker's LSAT score, undergraduate grade point average, LSAC index score, and law school rank. Among other corollary findings, the authors concluded that there was no statistically significant advantage in requiring weaker students to enroll in upper-division bar examination subject-matter courses.

Tessier, Michelle L., *Chapter 534: Raising the Bar for Unaccredited Law Schools in California*, 38 MCGEORGE LAW REVIEW 31 (2007).

Describes California's new law, intended to address the low bar passage rates of students from unaccredited law schools and programs, that transfers oversight and regulation of all its law schools to the California State Bar's Committee of Bar Examiners (CBE).

#### F. Alternatives to the Bar Examination

Cunningham, Clark D., *The Professionalism Crisis: How Bar Examiners Can Make a Difference*, 74 BAR EXAMINER 6 (November 2005).

A description of New Hampshire's pilot project of a performance-based bar examination alternative.

Cunningham, Clark D., *Rethinking the Licensing of New Attorneys—An Exploration of Alternatives to the Bar Exam: Introduction*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW vii (Summer 2004).

An introduction to this symposium issue, inspired by the Society of American Law Teachers' bar examination report of 2002. The articles are divided into three broad areas: state-based alternatives to the conventional bar examination, how lawyers are licensed in other countries, and how the training and licensing of physicians provides a potential model for bar admissions.

Curcio, Andrea A., *A Better Bar: Why and How the Existing Bar Exam Should Change*, 81 NEBRASKA LAW REVIEW 363 (2002–2003).

Arguing that the current bar examination overemphasizes a very lim-

ited number of skills while completely disregarding others, the author critiques the existing bar examination and proposes several bar examination alternatives.

Dalianis, Linda S. & Sophie M. Sparrow, *New Hampshire's Performance-Based Variant of the Bar Examination: The Daniel Webster Scholar Program*, 74 BAR EXAMINER 23 (November 2005).

Describes the development, requirements, and implementation of a performance-based bar examination alternative, which joins necessary practice skills with law school courses.

Glen, Kristen Booth, *In Defense of the PSABE, and Other "Alternative" Thoughts*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 1029 (Summer 2004).

An expansion and refinement of the author's prior writing on the subject. In this piece, she outlines why she believes that the Public Service Alternative Bar Examination (PSABE) is the best alternative to the existing bar examination.

Glen, Kristen Booth, *Thinking Out of the Bar Exam Box: A Proposal to "MacCrate" Entry to the Profession*, 23 PACE LAW REVIEW 343 (Spring 2003).

In this expansion of her earlier paper (102 COLUMBIA LAW REVIEW 1696), the author documents in detail the PSABE as a viable alternative to the current bar examination.

Glen, Kristen Booth, *When and Where We Enter: Rethinking Admission to the Legal Profession*, 102 COLUMBIA LAW REVIEW 1696 (October 2002).

Critiques the current bar examination model as being exclusive and, in part, negatively impacting

diversity. Proposes a three-month, court-based PSABE that would use the skills set forth in the MacCrate Report.

Grosberg, Lawrence M., *Looking Toward Future Bar Examinations: The Standardized Client?*, 74 BAR EXAMINER 20 (November 2005).

An argument for the use of standardized clients, an assessment technique model developed by the medical profession, as part of the bar examination.

Grosberg, Lawrence M., *Standardized Clients: A Possible Improvement for the Bar Exam*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 841 (Summer 2004).

Advocates use of a public service alternative to the traditional bar examination by developing and using standardized clients, as is done in the medical model.

Hutson, John D., *Preparing Law Students to Become Better Lawyers, Quicker: Franklin Pierce's Webster Scholars Program*, 37 UNIVERSITY OF TOLEDO LAW REVIEW 103 (Fall 2005).

A detailed description of the Webster Scholar Honors Program, a practice-based teaching and alternative bar examination program launched in 2005. Completion of this law school program certifies one to have passed the New Hampshire bar examination.

Kaufman, Eileen, *Community Service Component of an Alternative Bar Exam*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 1057 (Summer 2004).

Advocates use of community service as an alternative to the traditional bar examination, primarily for underserved populations.

Maisel, Peggy, *An Alternative Model to United States Bar Examinations: The South African Community Service Experience in Licensing Attorneys*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 977 (Summer 2004).

Proposes to eliminate or reduce the importance of bar examinations by advocating the use of the South African model, which places emphasis on postgraduate apprenticeship programs in lieu of written examinations. Another article, Thuli Mhlungu's *Educating and Licensing Attorneys in South Africa*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 1005 (Summer 2004), provides a personal account of the South African model.

Moran, Beverly, *The Wisconsin Diploma Privilege: Try It, You'll Like It*, 2000 WISCONSIN LAW REVIEW 645 (2000).

Describes the Wisconsin diploma privilege, advocates its adoption by other jurisdictions, and compares it to the bar examination, concluding that the diploma privilege bests the bar examination in each area of concern.

Simpson, Sally & Toni M. Massaro, *Students with "CLAS": An Alternative to Traditional Bar Examinations*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 813 (Summer 2004).

Outlines a proposed alternative to the bar examination—a one-year postgraduate apprenticeship.

## G. International

Aizawa, Hisashi, *Japanese Legal Education in Transition*, 24 WISCONSIN INTERNATIONAL LAW JOURNAL 131 (Winter 2006).

A detailed discussion of the Japanese system of legal education

and its reform to incorporate graduate/professional schools, modeled after the U.S. system. In light of these developments, the author outlines his country's bar examination system.

Irish, Charles R., *Reflections of an Observer: The International Conference on Legal Education Reform*, 24 WISCONSIN INTERNATIONAL LAW JOURNAL 5 (Winter 2006).

Although this paper is mostly about reforming legal education, it contains a brief discussion on the effects of the bar examination as an obstacle to reform, especially in Asian countries.

Kim, Chang Rok, *The National Bar Examination in Korea*, 24 WISCONSIN INTERNATIONAL LAW JOURNAL 243 (Winter 2006).

Kim provides a brief overview of the Korean National Bar Examination, its problems, proposals for reform, and the Presidential Committee of Judicial Reform's draft bill, which seeks to reform the Korean legal education and training system.

Steiner, Mark E., *Cram Schooled*, 24 WISCONSIN INTERNATIONAL LAW JOURNAL 377 (Winter 2006).

Describes the bar preparation courses used in several other countries, which, unlike their U.S. counterparts, last 18 months and run concurrently with formal studies.

Wolff, Heinrich Amadeus, *Bar Examinations and Cram Schools in Germany*, 24 WISCONSIN INTERNATIONAL LAW JOURNAL 109 (Winter 2006).

Provides a brief overview of legal education in Germany, including the bar examination and the role of the bar preparation schools.

## H. Miscellaneous

Braun, Jerome, an interview with, *Preparing for Disaster*, 71 BAR EXAMINER 7 (August 2002).

In question-and-answer format, this piece covers several scenarios dealing with emergencies or other unexpected events on exam day.

Gross, Michael P., *New Mexico Pioneers Indian Law on the Bar Exam*, 71 BAR EXAMINER 25 (August 2002).

Describes New Mexico's Indian law bar examination requirement.

Hagood, Lewis R., *A Brief History of the Tennessee Board of Law Examiners and the Standards for Bar Admissions in Tennessee*, 71 TENNESSEE LAW REVIEW 571 (Spring 2004).

Recounts the Tennessee Board of Law Examiners' origin and history through reference to public acts, court cases, rules of court, and other records.

Rofes, Peter K., *Mandatory Obsolescence: The Thirty Credit Rule and the Wisconsin Supreme Court*, 82 MARQUETTE LAW REVIEW 787 (Summer 1999).

Calls for the "modernization" of Wisconsin's Thirty Credit Rule, which is the basis for the state's diploma privilege.

Seamone, Evan R., *Fahrenheit 451 on Cell Block D: A Bar Examination to Safeguard America's Jailhouse Libraries*, 24 YALE LAW & POLICY REVIEW 91 (Winter 2006).

A comprehensive review of jailhouse lawyering, including a call for a standardized Jailhouse Lawyer Bar Examination, with discussion of the nature of the exam, the organi-

zation that might administer it, and the privileges accorded to successful takers.

Valencia-Weber, Gloria & Sherri Nicole Thomas, *When the State Bar Exam Embraces Indian Law: Teaching Experiences and Observations*, 82 NORTH DAKOTA LAW REVIEW 741 (2006).

New Mexico was the first state to place Indian law on its bar examination. This paper discusses the history and process involved, along with the pedagogical challenges of teaching an Indian law bar course.

## II. ADMISSION TO THE BAR

### A. In General

Anastaplo, George, *Lawyers, First Principles, and Contemporary Challenges: Explorations*, 19 NORTHERN ILLINOIS UNIVERSITY LAW REVIEW 353 (Winter 1999).

A collection of writings, one of which includes a detailed description and account of the Matthew Hale bar admission controversy in Illinois.

Barnard, Jayne W. & Mark Green-span, *Incremental Bar Admission: Lessons from the Medical Profession*, 53 JOURNAL OF LEGAL EDUCATION 340 (September 2003).

Explains the medical model of incremental licensure testing and advocates its use in the legal profession.

Barton, Benjamin Hoorn, *Why Do We Regulate Lawyers?: An Economic Analysis of the Justifications for Entry and Conduct Regulation*, 33 ARIZONA STATE LAW JOURNAL 429 (Summer 2001).

Gives an economic analysis of current bar admission regulations and

concludes that jurisdictions should move from the current consumer protection rationale to one focusing on lawyer competence.

Beckman, Kristin L., Comment, *Banned from the Bar: Classification of the Temporary Alien in Louisiana*, 51 LOYOLA LAW REVIEW 139 (Spring 2005).

Under Louisiana law, admission to the state bar is predicated on being a U.S. citizen or resident alien. This comment focuses on what happens when the applicant is neither but attended (on a student visa) and graduated from a Louisiana law school, addressing the application of equal protection principles to state regulation of aliens in the context of bar admissions.

Corneille, Margaret Fuller, *Bar Admissions: New Opportunities to Enhance Professionalism*, 52 SOUTH CAROLINA LAW REVIEW 609 (Spring 2001).

The executive director of the Minnesota Board of Law Examiners argues that the bar admission process may play a role in establishing and maintaining professional standards, especially by using skills-based performance tests and conditional admission.

Dalianis, Linda Stewart, *Admission to the Bar in Northern New England: An Unprecedented But Modest Proposal*, 67 BAR EXAMINER 33 (May 1998).

A brief description of the efforts of the Tri-State Task Force on Bar Admissions to coordinate bar examination and admission among New Hampshire, Vermont, and Maine.

Hanson, Sam, *The Relationship Between Bar Admissions and Law Schools*, 72 BAR EXAMINER 7 (August 2003).

A call for better coordination between the law schools and the bar examination boards with respect to curriculum and licensure issues, among others.

Levine, Howard A. & Hope B. Engel, *New York's Revised Attorney Admission Rules: Still Rigorous but More "User Friendly,"* 67 BAR EXAMINER 39 (August 1998).

A description of New York's 1998 revision of its rules for admission to the bar.

Rourke, Melissa & Meredith Schoenfeld, *The Honesty Standard and the Need for a More Stringent Standard: An Update on Model Rule 8.1,* 15 GEORGETOWN JOURNAL OF LEGAL ETHICS 895 (Summer 2002).

Contends that Rule 8.1 of the Model Rules of Professional Conduct leaves interpretation of the "honesty standard" to local jurisdictions and that as a result there is no bright-line standard which the various bar admission agencies can rely on.

Shepherd, Molly & Hulett H. Askew, *Focus on Professionalism: Stewardship of Bar Admissions: Maintaining Integrity in a Changing World,* 70 BAR EXAMINER 6 (August 2001).

A reprint of remarks made on professionalism by two prominent state bar administrators.

Stuckey, Roy, *Why Johnny Can't Practice Law—And What We Can Do About It: One Clinical Law Professor's View,* 72 BAR EXAMINER 32 (May 2003).

The author suggests and explains four steps that licensing authorities can take to improve the preparation of lawyers.

Vickrey, Barry R., *Are We Gatekeepers?*, 34 UNIVERSITY OF TOLEDO LAW REVIEW 179 (Fall 2002).

Concluding that law schools serve as gatekeepers to the legal profession, this essay finds that law schools and bar admission authorities need to work together.

Zacharias, Fred C., *Reform or Professional Responsibility as Usual: Whither the Institutions of Regulation and Discipline?*, 2003 UNIVERSITY OF ILLINOIS LAW REVIEW 1505 (2003).

Contains five predictions in the area of professional responsibility of events that are likely to occur in the 21st century, including the development of specialty examinations and licensing.

## B. Admission on Motion

Binkley, Jennifer L., *Admission on Motion: Current Practices and Rules,* 69 BAR EXAMINER 22 (November 2000).

Describes the then-current status of motion admission practice in the United States.

Dalianis, Linda Stewart & Hulett H. Askew, *Three States Add or Revise Motion Admission Rules: New Hampshire and Vermont Establish Reciprocity and Georgia Resurrects "Comity" Admission,* 72 BAR EXAMINER 1 (February 2003).

A description of the processes and background involved in developing the New Hampshire and Vermont reciprocal admission agreement, whereby practitioners from each state are eligible to be admitted in the other state after three years of good standing. Also provides an overview and a description of the requirements of Georgia's 2002

Admission on Motion Rule, modeled after the ABA's Model Rule on Admission on Motion.

Martin, Cindy Reams with Kellie Early, *Admission on Motion in the Era of Multijurisdictional Practice: Missouri's Experience with "Lawful Practice" vs. "Practice Where Admitted" as Fulfilling the "Active Practice" Requirement,* 75 BAR EXAMINER 12 (August 2006).

Admission on motion generally involves an "active practice" requirement. This article highlights the relevant factors taken into consideration in determining whether an applicant has been engaged in "active practice."

Minnich, Diane K. et al., *Reciprocal Admission Between Idaho, Oregon, and Washington,* 71 BAR EXAMINER 21 (February 2002).

Describes the changes made by the three states with respect to their admission rules to allow reciprocity without requiring lawyers to take additional bar examinations.

Stiglitz, Jan, *A Modest Proposal: The Model Rule on Admission on Motion,* 71 BAR EXAMINER 31 (August 2002).

Briefly describes the 2000 ABA Model Rule on Admission on Motion, designed to take into account the reality of today's multi-jurisdictional practice environment.

## C. Pro Hac Vice Admission

Allen, Wendell, *Pro Hac Vice Requirements and Pro Bono Status,* 22 JOURNAL OF THE LEGAL PROFESSION 193 (Spring 1998).

From a case arising out of the Mississippi state courts, the author concludes that states can correctly deny exemptions for out-of-state

attorneys, serving their clients pro bono, from requirements for pro hac vice status.

Eubanks, Clint, *Can I Conduct This Case in Another State? A Survey of State Pro Hac Vice Admission*, 28 JOURNAL OF THE LEGAL PROFESSION 145 (2003–2004).

Reviews pro hac vice admissions in state courts and argues in favor of relaxing the current rules.

#### D. Multijurisdictional Practice

Braun, Jerome, *Lawyer Mobility in the United States: One Admission Administrator's Perspective*, 67 BAR EXAMINER 14 (May 1998).

In light of Jonathan Goldsmith's article, *Easier Access to Professional Titles: A European Perspective*, 67 BAR EXAMINER 11 (May 1998), the author describes the lack of lawyer mobility provisions in the United States.

Corneille, Margaret Fuller, *Multijurisdictional Practice: A Challenge for Bar Examiners*, 69 BAR EXAMINER 16 (November 2000).

Today's transnational practice often involves or requires multijurisdictional practice. This piece reports on a symposium on the topic, specifically addresses potential bar examiner issues, and concludes with several suggestions.

Davis, Anthony E., *Multijurisdictional Practice by Transactional Lawyers—Why the Sky Really Is Falling*, 70 BAR EXAMINER 15 (February 2001).

A strong plea for legalizing the multijurisdictional practice of law by transactional lawyers.

Gillers, Stephen, *Multijurisdictional Practice of Law: Merging Theory*

*with Practice*, 73 BAR EXAMINER 28 (May 2004).

The author provides several scenarios in which lawyers with multijurisdictional practice might come into conflict with the rules on the unauthorized practice of law. He also calls for state bar regulators to bring the rules closer to the reality of modern law practice.

McCallum, Charles E., *Excerpts from MJP: A Review of Proposals for Reform*, 71 BAR EXAMINER 26 (February 2002).

Calls for changes in multijurisdictional practice and discusses three major proposals for reform.

Moeser, Erica, *Bar Admission in the United States 2001: Framing the Discussion for Response to Globalization*, 43 SOUTH TEXAS LAW REVIEW 499 (Spring 2002).

Briefly describes contemporary bar admissions practice in the United States and calls for reevaluation of current testing schemes in light of today's increasing emphasis on cross-border practice.

Wickerham, Elizabeth A., *Behind Bars: Are Corporate Counsel Captive to State Licensure?*, 44 WILLIAM & MARY LAW REVIEW 1913 (March 2003).

Because of increasing cross-jurisdictional practice, the author argues that in-house attorneys should be afforded an exception to the unauthorized practice of law rules to allow them to perform extended practice for their employers in foreign jurisdictions.

#### E. Character and Fitness

##### 1. General

Barnard, Jayne W., *Renewable Bar Admission: A Template for Making*

*“Professionalism” Real*, 25 JOURNAL OF THE LEGAL PROFESSION 1 (2001).

A proposal to screen for good moral character during the entire professional life of an attorney, with multiple standards, questionnaires, and other instruments intended to determine whether the attorney is continuing to meet fitness standards.

Carey, Flynn P., Case Note, In re Hamm: *From Behind Bars to the Arizona Bar?*, 48 ARIZONA LAW REVIEW 397 (Summer 2006).

The applicant was previously convicted of first-degree murder and subsequently granted an absolute discharge of the conviction. He applied for admission to the Arizona Bar but was denied based on character and fitness grounds. This short piece reviews the committee's rationale for denial.

Clemens, Aaron M., *Facing the Klieg Lights: Understanding the “Good Moral Character” Examination for Bar Applicants*, 40 AKRON LAW REVIEW 255 (2007).

After criticizing character examinations in general, the author offers a short history of character and fitness investigation, highlights issues that are likely to be of interest to character and fitness committees, and suggests methods for applicants to use in dealing with selected problem issues.

Finer, Joel Jay, *Gay and Lesbian Applicants to the Bar: Even Lord Devlin Could Not Defend Exclusion, circa 2000*, 10 COLUMBIA JOURNAL OF GENDER AND LAW 231 (2001).

Examines the good moral character requirement for admission to the bar as it pertains to gay or lesbian applicants and contends that there is no rational basis for

adverse treatment of gay or lesbian bar applicants.

Gallagher, Tim, *Innocent Until Proven Guilty? Not for Bar Applicants*, 31 JOURNAL OF THE LEGAL PROFESSION 297 (2007).

Examines the purpose of the character and fitness requirement, and concludes that arrests not resulting in convictions as well as expunged information should not be the basis for excluding bar applicants, since denial of an application without an underlying conviction contradicts the basic assumption of the criminal justice system—that an individual is innocent until proven guilty.

McCulley, Elizabeth Gepford, Note, *School of Sharks? Bar Fitness Requirements of Good Moral Character and the Role of Law Schools*, 14 GEORGETOWN JOURNAL OF LEGAL ETHICS 839 (Spring 2001).

Urges law schools to provide better notice of the fitness requirement from the first years of law school, and offers several suggestions on what can be done.

Pratt, Carla D., *Should Klansmen Be Lawyers? Racism as an Ethical Barrier to the Legal Profession*, 30 FLORIDA STATE UNIVERSITY LAW REVIEW 857 (Summer 2003).

This article concludes that a racist such as Matthew Hale cannot have the requisite moral character to be an attorney.

Ratcliff, Marcus, Note, *The Good Character Requirement: A Proposal for a Uniform National Standard*, 36 TULSA LAW JOURNAL 487 (Winter 2000).

Discusses current issues, definitions, history, and jurisprudence of good moral character and calls for a uniform national standard.

Ritter, Matthew A., *The Ethics of Moral Character Determination: An Indeterminate Ethical Reflection upon Bar Admissions*, 39 CALIFORNIA WESTERN LAW REVIEW 1 (Fall 2002).

Discusses the history, jurisprudence, and ethics of examining good moral character as a condition for professional licensing of lawyers.

Roots, Roger, *When Lawyers Were Serial Killers: Nineteenth-Century Visions of Good Moral Character*, 22 NORTHERN ILLINOIS UNIVERSITY LAW REVIEW 19 (Fall 2001).

Traces the history of the “good moral character” requirement, claiming that it is a relatively recent development and concluding that it is an appropriate prerequisite.

Simmons, Malika, Case Note, *Hale v. Comm. on Character & Fitness*, 335 F.3d 678 (7th Cir. 2003), 10 WASHINGTON & LEE RACE AND ETHNIC ANCESTRY LAW JOURNAL 199 (2004).

Reviews and analyzes the Matthew Hale case up to the Court of Appeals for the Seventh Circuit. The decision denied Hale admission to the Illinois bar because his racist beliefs did not meet the character and fitness standards of the state.

Sloane, Richard L., Note, *Barbarian at the Gates: Revisiting the Case of Matthew F. Hale to Reaffirm that Character and Fitness Evaluations Appropriately Preclude Racists from the Practice of Law*, 15 GEORGETOWN JOURNAL OF LEGAL ETHICS 397 (Winter 2002).

Another note on the Matthew Hale case reviewing the history and societal underpinnings of good moral character. Concludes that the Illinois State Supreme Court was correct in denying Hale’s application.

Stepanian, Arpa B., Comment, *Law Student Clerkships: Walking a Thin Line Requirement of “Good Moral Character” for Admission to the Bar*, 3 JOURNAL OF LEGAL ADVOCACY & PRACTICE 67 (2001).

Reviews the standards of good moral character from a law student perspective.

## 2. Academic Misconduct

Jacobson, Caroline P., *Academic Misconduct and Bar Admissions: A Proposal for a Revised Standard*, 20 GEORGETOWN JOURNAL OF LEGAL ETHICS 739 (Summer 2007).

Discusses the role of academic misconduct in the character and fitness aspect of the bar admission process, and proposes that the term “academic misconduct” in the Code of Recommended Standards for Bar Examiners be changed to “aggravated academic misconduct.”

Vaughan, Julia E., *Addressing Law Student Dishonesty: The View of One Bar Admissions Official*, 45 SOUTH TEXAS LAW REVIEW 1009 (Fall 2004).

A review of the Texas character and fitness requirements and the effects of conduct in law school.

## 3. Financial Irresponsibility

Jackson, Niles, *Bankruptcy as It Affects Character and Fitness*, 72 BAR EXAMINER 6 (November 2003).

After providing a brief history and an explanation of the types and effects of bankruptcy, the author addresses how a bankruptcy affects the applicant’s character and fitness determination for admission and concludes that in such a case the application ought to be tabled, or the applicant admitted conditionally, until the applicant’s good-faith effort is evident.

Long, Bruce, *Investigating Bar Applicants Who File Bankruptcy*, 72 BAR EXAMINER 14 (November 2003).

Describes how a bar applicant's fitness to practice law in Florida is investigated and determined when the applicant has filed for bankruptcy.

#### 4. Mental Health and the ADA

Alikhan, Mariam, Note, *The ADA Is Narrowing Mental Health Inquiries on Bar Applications: Looking to the Medical Profession to Decide Where to Go from Here*, 14 GEORGETOWN JOURNAL OF LEGAL ETHICS 159 (Fall 2000).

"Are mental health inquiries appropriate in light of the passage of the ADA?" is the focus of this note, which concludes with suggested steps to avoid discriminatory questioning.

Averitt, Hannah V., *A Mental Bar: Should Past Psychological Problems Affect Bar Admission?*, 28 LAW & PSYCHOLOGY REVIEW 97 (Spring 2004).

A review of the emotional and mental health components of the fitness standards, arguing that these types of inquiries are a violation of privacy and discourage treatment, and concluding that mechanisms already exist to discipline attorneys for improper actions related to mental health difficulties.

Bauer, Jon, *The Character of the Questions and the Fitness of the Process: Mental Health, Bar Admissions and the Americans with Disabilities Act*, 49 UCLA LAW REVIEW 93 (October 2001).

Examines the implications of allowing disability inquiries in the bar admission process, concluding that

many of the questions currently in use cannot be justified under the ADA and suggesting reform to avoid violating the ADA.

Hubbard, Ann, *Improving the Fitness Inquiry of the North Carolina Bar Application*, 81 NORTH CAROLINA LAW REVIEW 2179 (September 2003).

Provides background with respect to the validity of mental health inquiries under the ADA, asserts that the North Carolina practice of asking invasive mental health questions violates the ADA, and concludes by urging immediate review and revision of the mental health questions in use.

Hughes, Jennifer McPherson, *Suffering in Silence: Questions Regarding an Applicant's Mental Health on Bar Applications and Their Effect on Law Students Needing Treatment*, 28 JOURNAL OF THE LEGAL PROFESSION 187 (2003–2004).

After a brief review of the mental health fitness requirement, the author suggests that bar examiners ought to focus on the applicant's behavior rather than on his or her mental health status.

Jeffers, Diane M., Comment, *Professional Responsibility—Questions on Rhode Island Bar Application Violate Americans with Disabilities Act—In re Petition and Questionnaire for Admission to the Rhode Island Bar*, 683 A.2d 1333 (R.I. 1996), 31 SUFFOLK UNIVERSITY LAW REVIEW 779 (1998).

An account of a ruling by the Rhode Island Supreme Court finding that inquiries made to a bar applicant about the applicant's mental health treatments and substance addictions violated the ADA and the applicant's privacy rights.

#### 5. Conditional Admission

Oths, Michael J., *Conditional Admission in Idaho*, 71 BAR EXAMINER 6 (February 2002).

Reviews Idaho's conditional admission system and offers suggestions for improvement.

#### 6. Rehabilitation

Diaz, Suzanne, Case Note, *In re King: Is Rehabilitation from Serious Crimes Possible?*, 48 ARIZONA LAW REVIEW 669 (Fall 2006).

Discusses the Arizona courts' determination that it is "virtually impossible" for an applicant convicted of a serious crime such as attempted murder to prove his or her good moral character through rehabilitation.

Pobjecky, Thomas Arthur, *Beyond Rehabilitation: Permanent Exclusion from the Practice of Law*, 76 BAR EXAMINER 6 (February 2007).

After describing the concept of rehabilitation, the author advocates for the adoption of a per se rule supporting the notion that the general integrity of the judicial system takes precedence over the individual claim of rehabilitation.

Treese, Martha K., *Rehabilitation—An Update*, 72 BAR EXAMINER 6 (February 2003).

A review of issues relating to rehabilitation that frequently confront state bar admission authorities.

#### F. Constitutional Issues

Billy, Jason O., *Confronting Racists at the Bar: Matthew Hale, Moral Character, and Regulating the Marketplace of Ideas*, 22 HARVARD BLACKLETTER LAW JOURNAL 25 (Spring 2006).



Law school graduate Matthew Hale was denied admission to the Illinois Bar because of his overt racist beliefs. This article explores the free speech rights of bar applicants such as Hale and asserts that states should not deny admission solely on the basis of privately held racist beliefs.

Brisman, Avi, Note, *Rethinking the Case of Matthew F. Hale: Fear and Loathing on the Part of the Illinois Bar Committee on Character and Fitness*, 35 CONNECTICUT LAW REVIEW 1399 (Spring 2003).

The state of Illinois ruled that Matthew Hale was not fit to practice law due to his racist beliefs; this note reviews the criticisms of the state's decision and offers additional reasons why the state should have granted Hale admission.

East, Emelie E., Note, *The Case of Matthew F. Hale: Implications for First Amendment Rights, Social Mores and the Direction of Bar Examiners in an Era of Intolerance of Hatred*, 13 GEORGETOWN JOURNAL OF LEGAL ETHICS 741 (Summer 2000).

A discussion of Matthew Hale's bar application and hearing before the Illinois Supreme Court, and an analysis of First Amendment implications of denying a self-declared racist admission to the state bar.

Felsen, Michael, *The Constitutionality and Conditions of Reciprocity Agreements Between States*, 27 JOURNAL OF THE LEGAL PROFESSION 175 (2002-2003).

A review of the constitutionality of reciprocity agreements demonstrates that states are generally required to show a mere rational reason for such agreements to be

upheld despite the fact that numerous applicants continue to challenge these agreements under the Due Process, Equal Protection, and Full Faith and Credit clauses.

Keeley, Theresa, Comment, *Good Moral Character: Already an Unconstitutionally Vague Concept and Now Putting Bar Applicants in a Post-9/11 World on an Elevated Threat Level*, 6 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 844 (April 2004).

Argues that the "good moral character" requirements have a chilling effect on bar applicants' First Amendment right of expression.

Pasley, Wilson, Note, *The Revival of "Privileges or Immunities" and the Controversy over State Bar Admission Requirements: The Makings of a Future Constitutional Dilemma?*, 11 WILLIAM & MARY BILL OF RIGHTS JOURNAL 1239 (April 2003).

In light of the U.S. Supreme Court's 1999 decision in *Saenz v. Roe*, this note explores whether state bar admission requirements are constitutional under the Privileges and Immunities Clause. It concludes that state laws regulating bar admissions would likely survive, except for those laws that prohibit transactional lawyers from practicing in states in which they hold no bar membership.

Perlman, Andrew M., *A Bar Against Competition: The Unconstitutionality of Admission Rules for Out-of-State Lawyers*, 18 GEORGETOWN JOURNAL OF LEGAL ETHICS 135 (Fall/Winter 2004).

This article claims that retake requirements for the MBE by different states only serve the admitting state's goal of protecting its lawyers from out-of-state competitors and

that not only do these retake procedures create poor public policy, but they are also unconstitutional.

Stevenson, Mathew, Comment, *Hate vs. Hypocrisy: Matt Hale and the New Politics of Bar Admissions*, 63 MONTANA LAW REVIEW 419 (Summer 2002).

Argues that Matthew Hale's denial of admission to the Illinois and Montana bars flies in the face of established rules of law set forth by the U.S. Supreme Court, basically concluding that Hale's racist speech is immune from consideration by the character and fitness committees.

Strossen, Nadine, *Incitement to Hatred: Should There Be a Limit?*, 25 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 243 (Winter 2001).

Freedom of speech trumps the hate speech of Matthew Hale, according to the ACLU's position.

Wendel, W. Bradley, *Hate and the Bar: Is the Hale Case McCarthyism Redux or a Victory for Racial Equality?*, 70 BAR EXAMINER 26 (May 2001).

Reviews the constitutional issues (e.g., the principle of viewpoint neutrality and the unconstitutional conditions doctrine) present in bar admission cases like that of Matthew Hale, the avowed white supremacist from Illinois, concluding that the Constitution prohibits its state bar admission authorities from preventing Hale's licensure.

Williams, Byron Christopher, Comment, *The Content of His Character: Hale v. Comm. on Character and Fitness of the Ill. Bar*, 4 THOMAS M. COOLEY JOURNAL OF PRACTICAL & CLINICAL LAW 269 (2001).

Another perspective on the background of, procedures used in, and First Amendment issues raised by the Matthew Hale case.

### G. Foreign-Trained Attorneys

Damania, Farzad, *Alternatives for Non-U.S. Attorneys in the United States*, 8 ILSA JOURNAL OF INTERNATIONAL & COMPARATIVE LAW 581 (Spring 2002).

Explains that non-U.S. attorneys wishing to practice in the United States have two options: (1) receiving a limited license as a Foreign Legal Consultant (FLC), or (2) becoming fully licensed by passing a bar examination. This paper also reviews the provisions of each individual state with respect to FLC requirements.

Deeringer, Paul A., *No Shirt, No Shoes, No English . . . No Dice? How Should We Test English Proficiency for Foreign-Trained Attorneys?*, 18 GEORGETOWN JOURNAL OF LEGAL ETHICS 691 (Summer 2005).

Criticizes the Ohio *Singh* decision, discusses the inappropriateness of classifying English proficiency as a character and fitness issue, and provides other more appropriate ways of characterizing English proficiency as a bar admissions requirement, including by a cost-benefit analysis.

Gribetz, Sidney, *Legal Consultants in New York*, 67 BAR EXAMINER 6 (May 1998).

A description of New York's legal consultant program, whereby foreign lawyers may practice within the state on a limited basis.

Hollenhorst, Pamela Stiebs, *Options for Foreign-Trained Attorneys: FLC*

*Licensing or Bar Admission*, 68 BAR EXAMINER 7 (August 1999).

A review of the options available to and the related requirements for foreign-trained attorneys along with a brief statistical look at their history in the United States.

Hurt, J. Richard, *Foreign-Trained Lawyers, American Graduate Legal Education and Bar Admissions: Should the LL.M. Satisfy the Educational Requirements to Practice Law?*, 69 BAR EXAMINER 35 (November 2000).

Questions whether a foreign-trained attorney earning an LL.M. in the U.S. satisfies the educational requirement to practice law in the United States.

Levine, Howard A., *The Regulation of Foreign-Educated Lawyers in New York: The Past, Present, and Future of New York's Role in the Regulation of the International Practice of Law*, 47 NEW YORK LAW SCHOOL LAW REVIEW 631 (Fall 2003).

A discussion of the history and development of the New York rules governing the admission and practice of foreign-educated attorneys, explaining how the New York regulatory scheme fits within the framework of international trade.

Needham, Carol A., *The Licensing of Foreign Legal Consultants in the United States*, 21 FORDHAM INTERNATIONAL LAW JOURNAL 1126 (April 1998).

The author first reviews selected state rules and then advocates that foreign legal consultant licensing should be made uniform throughout all U.S. jurisdictions.

### H. International

Carroll, Wayne J., *Liberalization of National Legal Admissions Requirements in the European Union: Lessons and Implications*, 22 PENN STATE INTERNATIONAL LAW REVIEW 563 (Spring 2004).

After discussing the traditional path to the legal profession in European Union member states and the subsequent liberalization of requirements, this article contrasts the various methods of admission that might be available to foreign lawyers in the United States.

Duncan, Nigel, *Gatekeepers Training Hurdles: The Training and Accreditation of Lawyers in England and Wales*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 911 (Summer 2004).

A detailed explanation of the education, training, and licensing of attorneys in England and Wales, in which work and clinical experiences are viewed as essential components of licensure.

Duncan, Nigel, *Training and Licensing Lawyers in England and Wales*, 74 BAR EXAMINER 16 (November 2005).

Explains lawyer training and licensing in England and Wales, giving particular attention to the way in which ethical competence is assessed through simulations.

Goldsmith, Jonathan, *Easier Access to Professional Titles: A European Perspective*, 67 BAR EXAMINER 11 (May 1998).

A review of the European Union's provisions for the mobility of lawyers.

Korioth, Stefan, *Legal Education in Germany Today*, 24 WISCONSIN

INTERNATIONAL LAW JOURNAL 85 (Winter 2006).

An overview of the German legal education system, including a brief description of the bar admissions, practical training, and examination processes.

Law, John, *Articling in Canada*, 43 SOUTH TEXAS LAW REVIEW 449 (Spring 2002).

Articling is a form of apprenticeship and a prerequisite to becoming a Canadian lawyer. This paper reviews the background, current status, objectives, and issues of the Canadian practice of articling.

Law, John M., *Canadian Bar Admissions*, 74 BAR EXAMINER 14 (November 2005).

Briefly outlines the reviews of and subsequent changes to legal education in selected Canadian provinces.

Lebane, Ian, *The Ontario Bar Admission Process*, 68 BAR EXAMINER 11 (November 1999).

In question-and-answer format, this piece details the bar admission process in Ontario, Canada.

Maharg, Paul, *Professional Legal Education in Scotland*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 947 (Summer 2004).

A description of the Scottish legal education and bar admissions systems, with suggestions about Scottish lawyer training and admission practices which may be considered as alternatives to the U.S. bar examination.

Meiners, Deborah & Jian Chen, *Professionalization in the Chinese Legal System: Current Education*

*and Certification of Chinese Lawyers*, 76 BAR EXAMINER 29 (May 2007).

Outlines the legal education and licensure process in China and suggests further reform.

Mhlungu, Thuli, *Educating and Licensing Attorneys in South Africa*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 1005 (Summer 2004).

This article describes in detail legal education and lawyer licensure in South Africa and complements Peggy Maisel's article on South Africa's community service requirement in licensing attorneys, *An Alternative Model to United States Bar Examinations: The South African Community Service Experience in Licensing Attorneys*, 20 GEORGIA STATE UNIVERSITY LAW REVIEW 977 (Summer 2004).

Miyazawa, Setsuo, *Education and Training of Lawyers in Japan—A Critical Analysis*, 43 SOUTH TEXAS LAW REVIEW 491 (Spring 2002).

A critical review of the Japanese system for training and educating lawyers, primarily focused on its two main components—the National Bar Examination and the Legal Training and Research Institute.

Parker, Stephen, *Legal Education in Australia: The Perfect Storm?*, 43 SOUTH TEXAS LAW REVIEW 535 (Spring 2002).

Provides brief descriptions of Australia's legal education and admission to the bar.

Ross, Eve, Comment, *A Venerable Profession Enters the Global Economy: South Carolina Lawyers and the General Agreement on Trade in Services (GATS)*, 57 SOUTH CAROLINA LAW REVIEW 969 (Summer 2006).

This comment reviews and analyzes the potential conflicts that might arise between the GATS and the current South Carolina admission rules and offers suggestions for dealing with the conflicts.

Saito, Takahiro, *The Tragedy of Japanese Legal Education: Japanese "American" Law Schools*, 24 WISCONSIN INTERNATIONAL LAW JOURNAL 197 (Winter 2006).

The author is critical of the Japanese bar reform efforts, which entailed adoption of American-style law schools. He describes the government's reform efforts and why they failed so miserably.

Szto, Mary C., *Towards a Global Bar: A Look at China, Germany, England, and the United States*, 14 INDIANA INTERNATIONAL & COMPARATIVE LAW REVIEW 585 (2004).

Describes the bar requirements in China, England, Germany, and the United States, including education, examination, and moral requirements, with observations and suggestions for future practice.

Terry, Laurel S., *GATS, Legal Services, and Bar Examiners: Why Should You Care?*, 71 BAR EXAMINER 25 (May 2002).

The author provides a series of articles giving updates on the General Agreement on Trade in Services (GATS) and how it impacts legal services, especially the admission of foreign lawyers to practice in the United States. In the process, these articles provide background information about the GATS and legal services. Subsequent articles can be found at *The GATS, Foreign Lawyers and Two Recent Developments: Could Your State's Actions Affect U.S. Trade Policy?*, 71 BAR EXAMINER 20 (November 2002);

*Latest Developments Regarding the GATS and Legal Services*, 72 BAR EXAMINER 27 (August 2003); *Current Developments Regarding the GATS and Legal Services: The Cancun Ministerial GATS Negotiations*, 73 BAR EXAMINER 38 (February 2004); *Further Developments Regarding the GATS and Legal Services: Extending the Accountancy Disciplines to Lawyers*, 73 BAR EXAMINER 34 (August 2004); *The GATS and Legal Services: The Resumed GATS Negotiations Trigger Additional U.S. and Other Activity*, 74 BAR EXAMINER 43 (FEBRUARY 2005); *Current Developments Regarding the GATS and Legal Services: The Hong Kong Ministerial Conference and the Australian Disciplines Paper*, 75 BAR EXAMINER 26 (February 2006); and *Current Developments Regarding the GATS and Legal Services: The Suspension of the Doha Round, "Disciplines" Developments, and Other Issues*, 76 BAR EXAMINER 27 (February 2007).

Yoshida, Katsumi, *Legal Education Reforms in Japan: Background, Rationale, and the Goals to Be Achieved*, 24 WISCONSIN INTERNATIONAL LAW JOURNAL 209 (Winter 2006).

Discusses the reformation of the Japanese legal education system, including a minor discussion of the impact that the National Bar Examination has had on the process.

## I. Miscellaneous

Alexander, Gerry L., *Special Admission Rule for Military Lawyers*, 74 BAR EXAMINER 14 (August 2005).


A description of the Washington State Supreme Court's Special Admission Rules for military lawyers who are on full-time active duty in the state.

Maass-Robinson, Sandra, *The Use of Independent Medical Evaluations in Georgia's Certification Process*, 73 BAR EXAMINER 24 (August 2004).

Focuses on Georgia's Board to Determine Fitness of Bar Applicants and its development and use of the Independent Medical Evaluation (IME) in the bar certification process.

Shepard, Randall T., *The Indiana CLEO Program*, 69 BAR EXAMINER 38 (November 2000).

A description of Indiana's efforts to increase bar admission diversity through its Conference on Legal Education Opportunities (CLEO) program.

Not included in this bibliography, but available on the NCBE website's BAR EXAMINER article archive, are additional Testing Columns, annual bar examination and bar admission statistics, and various essay collections. 



BRYAN J. GUYMON is a second-year law student at Texas Tech University School of Law. In addition to his legal pursuits, he is an M.S. candidate in Personal Financial Planning at Texas Tech. He graduated cum laude with bachelor's degrees in history and international studies from Utah State University.



ARTURO TORRES is the Associate Dean of Law Library and Computing and Professor at Texas Tech University School of Law.