

PRESIDENT'S PAGE

by Erica Moeser

Let us consider for a moment the thrilling days of yesterday in bar admissions. Lawyer licensing occurred in what was, more often than not, a sleepy village. Bar admission boards were then, as now, populated in large part by volunteer lawyers whose day jobs precluded close attention to the details of bar examining. Staffing for many boards was supplied by the office of the supreme court clerk or the state bar. The examinations that were administered were handcrafted by the lawyer members of the board and often based on their practice experiences or the latest advance sheets. Now and again issues would arise—how to handle missed deadlines or how to deal with a justice whose nephew Fauntleroy had just failed the bar examination—but by and large the work of lawyer licensing occurred quietly and somewhat uneventfully.

All that has changed. Yes, Fauntleroy still lets his aunt or uncle down (and the bar examiners hear about it), and missed filing deadlines still shove other issues out of the way on occasion, but the village is no longer a sleepy one. The stakes associated with granting and securing law licenses are much higher, and the range of competencies needed to staff a bar admission agency and to render volunteer service to a board has expanded exponentially over the past decades.

Nowhere was this more in evidence than at NCBE's Annual Conference held this past April in



Baltimore. Bar admissions is anything but routine and anything but mundane, and its evolution into a sophisticated enterprise is unmistakable.

Of course, the seeds of change were sown almost 40 years ago with the development of the MBE, which embodied the notion of employing standardized testing methodology to assess would-be lawyers. The boldness of that move continues to impress me. I am sure that to many bar examiners of that day, the idea that candidates for a law license could be evaluated via a multiple-choice instrument was almost impossible to accept. Nevertheless, the idea caught fire because of the energy and intellect of Dean Joe Covington of the University of Missouri and a few influential bar examiners, John Germany of Florida among them.

At the Baltimore event, bar examiners came together to learn about the nuts and bolts of giving and grading tests, evaluating character and fitness, and dealing with test security and cheating issues in effective and relevant ways. They filled a room to hear about the recent amendments to the Americans with Disabilities Act and their anticipated impact on the work they do in testing. They learned how to construct essay questions and how to evaluate and edit questions that others have constructed.

But there was more, and the content attested to the broader expanse of knowledge that today's bar examiners and administrators need in order to

perform their very important tasks. Issues relating to diversity in admissions and testing received attention. The changes to law school curricula to produce more graduates with “factory-installed” practice skill sets were acknowledged. The long reach of technology into law and lawyer licensing was implicit.

A significant slice of programming was given over to the reality of granting access to the profession to foreign-educated lawyers, with emphasis on understanding the educations and experiences they offer—or lack. Beyond that, an analysis of the likely supply of tomorrow’s law students and the prospects for today’s law students as they attempt to enter the workforce were explored.

The stage for the conference was set by the very remarkable Professor and Dean John Reed, returning for his third visit, whose commentary on the state of the profession in the current economy provided a feast for thought.

If there was an overarching theme to the conference, it was that bar examiners need to consider what knowledge, skills, and values are essential in the entry-level practitioner and tailor their evaluations to capture information that will enable them to establish if the candidate possesses the requisite level of competence. It was helpful to gain insight, as the audience did, into the ways in which law schools are preparing students today, particularly in the aftermath of the Carnegie Report and other writings that have influenced legal education more recently.

The programming content touched all bar examining boards to some degree, and the variety and depth of the topics established that the sleepy village in bar examining is a thing of the past. The bar examiners and their professional staffs are tackling high-stakes testing, complex measurement issues, thorny

ADA questions, and character and fitness challenges, often with limited resources. NCBE takes its obligation to try to meet the educational needs of its constituency very seriously. The Baltimore content was a tribute to the volunteers and staffs who perform this sophisticated work with dedication and ingenuity.

The concept of a uniform bar examination (UBE) has moved a step forward. In June of this year an invitational conference drawing participants from over half the jurisdictions will be held in Madison, Wisconsin, to gauge the readiness of jurisdictions to take steps in the direction of making the UBE a reality. It has been said (most recently in the February issue of this magazine!) that the devil is in the details, and identifying and eliminating the devils will be high on the list of priorities for the Madison meeting.

Of course, not all of the participating jurisdictions have signaled that they are ready to take the plunge. However, it is encouraging that so many jurisdictions are willing to explore the UBE concept with open minds. We look forward to the rough-and-tumble of a good discussion.

Finally, I would like to offer a word of tribute to Stephen Townsend, the recently retired (after a mere 31 years) Clerk of the New Jersey Supreme Court who also served as New Jersey’s bar admission administrator. Steve was a central figure in the Council of Bar Admission Administrators who performed a particularly effective leadership function. He was respected by all. He understood the gravity of the work that bar admission administrators undertake, and he brought honor to the profession. We at NCBE will miss him. 📖