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## LETTER FROM THE CHAIR

In spite of competing for my attention with Florida Gator football, the NCBE staff has kept me on the road this fall. Of particular interest in my travels was the Council of Bar Admission Administrators (CBAA) Fall Meeting in Lexington, Kentucky. The CBAA is made up of bar admission administrators from the individual jurisdictions, with Dave Ewert of Iowa currently serving a second term as chair. These are the folks who understand how the sausage is really made. Under Dave's leadership the conference was superb. Each session was well attended and informative and generated lively discussions. The CBAA serves a vital role in the bar admissions process. I appreciated the opportunity to attend.

In November the MBE Committee held its annual meeting with the chairs of the MBE drafting committees and the chair of the MPRE Drafting Committee. New members of the MBE Committee include Chief Justice Rebecca White Berch of the Arizona Supreme Court, who also serves on the NCBE Board of Trustees, and Jeff McInnis, former chair of the Florida Board of Bar Examiners and now emeritus member of the Florida board. Looking ahead to the future addition of Civil Procedure to the MBE, the committee welcomed Professor Mary Kay Kane, former dean of the Hastings College of the Law, as chair of the newly created Civil Procedure Drafting Committee.

In addition, I was given the opportunity to attend and speak at the inaugural International Conference of Legal Regulators held in London this past September. Also attending was Chief Justice Michael Heavican of the Nebraska Supreme Court, who is president-elect of the Conference of Chief Justices and a member of the NCBE Special Committee on the Uniform Bar Examination. The conference, organized by the Solicitors Regulation Authority, the independent regulatory body for solicitors in England and Wales, was the first of its kind, designed to bring together individuals and groups from different countries that are responsible for the admission and oversight of lawyers. The purpose of the conference was to initiate a dialogue between these entities regarding the admissions standards and oversight processes in each of the jurisdictions and to work toward the sharing of admissions and discipline information.

It was clear from the beginning that, while everyone's stated goal was the protection of the public, there were some very divergent opinions on the methods that would best serve that goal. In fact, not everyone was in agreement as to who should be driving the admissions and oversight train. For example, because of their lack of a strong independent judiciary, the representatives from Zimbabwe expressed great reservations about having judicial control over bar admissions and regulation.



On the panel with me for the session “Competence on Admission” were Vanessa Davies, Director, Bar Standards Board of England and Wales; T.P. Kennedy, Director of Education, Law Society of Ireland; and Joe Catanzariti, President-Elect, Law Council of Australia. Most countries shared the United States’ and Australia’s emphasis on high character and fitness standards, but there were others who placed more emphasis on the admission of *all* law school graduates, with character and fitness issues becoming secondary. Not surprisingly, some representatives had a difficult time understanding the logic in our 50+ jurisdictions with different bar exams, different pass/fail lines, and different admissions standards. Our system was particularly difficult for European Union countries to understand, since their lawyers appear to be able to practice with ease in other EU countries. Discussions revealed that some countries leave the preparation of the bar exam, as well as the grading and determination of who passes, to the law schools—decisions, I think, that hinge on the fact that the law schools serve a very different role in the admissions process in those countries.

During the session “When Things Go Wrong,” Jayne Kim, Chief Prosecutor for the State Bar of

California, made it clear that her job, as in most U.S. jurisdictions, is to be a police officer investigating the bad apples in our profession. In discussions, Tahlia Gordon of the Office of the Legal Services Commissioner of New South Wales, Australia, outlined a different approach employed in Australia. Their regulators concentrate on the law firms and not individual lawyers. Firms must designate a senior lawyer to work directly with the regulators in report-

ing the firm’s compliance with the rules of the bar. In practice, the Australian regulators’ concept is to work with the firms to keep lawyers out of trouble to begin with, rather than apprehending and disciplining lawyers after misbehavior has already occurred. According to Gordon, since they have gone to this approach, the numbers of complaints and disciplinary actions taken have been greatly reduced.

Needless to say, when you have regulators from over 30 jurisdictions comparing notes, you will discover an ocean of differences in their approaches. In spite of this, I left with renewed confidence in the future of our profession worldwide, as well as a renewed awareness of the challenges facing regulators in both admissions and oversight. Continued discussions and conferences on an international stage such as this one can only help all of us learn from one another’s mistakes and accomplishments. 📺

Best regards to all.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin R. Harrison". The signature is fluid and cursive, with a large initial "F" and "H".

Franklin R. Harrison