

PRESIDENT'S PAGE

by Erica Moeser

Every year at about this time the membership of many bar examining boards changes. A new wave of volunteers steps onto the licensing stage, and most are in awe of the colossal responsibility associated with making the tough calls on what and how to test for competence, where to draw the pass/fail line, and how to judge the character and fitness of candidates for admission to the bar. It is—to use that overused phrase—a daunting task.

First-rate lawyers representing the finest in the profession come to the task of bar examining without much experience in the math and science of evaluation or the ways in which to construct or grade the questions that will serve as the vehicles for assessing candidate competency. They are called to apply the Americans with Disabilities Act and to develop and administer many licensing policies and procedures, all while maintaining their day jobs. They conquer the content, and we at the National Conference of Bar Examiners try to help them as they do that.

Fortunately, over the past few decades the staffs that support bar examining boards have been strengthened and professionalized. Unfortunately, financial constraints in the government sector tend to squeeze these agencies in rough economic times. Too many boards are not self-funded through applicant fees, and this limits their ability to function at an optimal level. They are beggars seeking resources from their state treasuries, and they run, in many cases, on



the sweat and dedication of their overworked staffs and volunteers.

When NCBE filed its current Articles of Incorporation in 1989, three of the purposes it set forth are as follows:

(i) providing standardized examinations of uniform and high quality for the testing of applicants for admission to the practice of law, (ii) disseminating relevant information concerning admission standards and practices, [and] (iii) conducting educational programs for the members and staffs of such

authorities....

As each new crop of bar examiners emerges to take its place as gatekeepers (along with the law schools) of the profession, NCBE is committed to using its resources to carry out these purposes. We hope that the four tests we develop meet the needs of the jurisdictions, and we continue to strive to make each as good as it can possibly be. We use this magazine as a means of keeping the bar examining community abreast of not only bar examining but the world beyond bar examining that affects those of us who work in licensing. And we continue to devote considerable resources to bringing educational opportunities to bar examiners in ways that would be beyond the reach of any single jurisdiction. The next such offering will be held in Austin this April.

As a nonprofit, we try to match the needs of bar examiners and their staffs with our products and services, and we welcome feedback about how we can serve even more effectively.

We are well into our “year” at NCBE, with some projects in the rearview mirror and others about to pop. One of the most satisfying events during the fall was another edition of our Academic Support Conferences (ASCs). This was the latest in a series of programs we have held for legal educators. Most recently we have selected as our focus the bar preparation activities that law schools are undertaking now that the law school accreditation standards permit such courses to be given for credit and, even more recently, required for graduation if the faculty elects to do so.

At our ASC events, we concentrate on providing descriptive details about the bar examination to those who work directly with students who rely on them for accurate information. We comment on how best to approach preparation for the various test components, and we provide insights into the avoidable pitfalls that our examinees can sidestep if they are better and more productively prepared for the bar examination.

We also allow time for the members of the audience, all of whom are committed to reaching students as effectively as possible, to discuss the timing and methodology they are using to get the job done. In the few years since bar-prep-for-credit courses have become acceptable and available, there has been growing sophistication in the way the courses are conceived and delivered. We think the successful results of some law schools’ efforts are revealed in the improved pass rates that many of them are observing.

I encountered one discordant note at this year’s ASC event, though. A number of our attendees reported that their law schools have decided to “out-source” the delivery of academic support courses

to bar review professionals. I hope we were not observing the leading edge of a trend in that regard. The concept of academic support is to commit the faculty to full participation in the education of entry-level lawyers, not to relegate bar preparation to the heap of vocational necessities that are removed from what the traditional faculty view as legal education.

Just as the bar examination has shifted—or at least sharpened—its objective to zero in on what the entry-level lawyer needs to know, I had hoped that law schools would have room in their curriculums—and in their outlooks—to educate the entry-level lawyer as well. Many are embracing this approach, perhaps due to the influence of the Carnegie Report and the recent *Best Practices* publication.

This issue marks the debut of our annual statistics in February. For that we have Claire Huisman, our magazine’s editor, to thank. She has been relentless in her effort to accelerate the appearance of year-end numbers before the May issue as has been the norm. We also have the bar admission administrators to thank for heeding Claire’s pleas for quick turnaround of accurate numbers.

In addition, the 2010 edition of the *Comprehensive Guide to Bar Admission Requirements* is now in circulation and available on the NCBE website. This year Charts III and X describing certain requirements for admission, including those for candidates educated overseas, have been extensively edited. Given the significant pressures being placed on bar admission agencies and courts to abandon the use of the “gold standard”—the educational credential of graduation from an ABA-accredited law school—it would behoove everyone working in licensing to visit the 2010 *Comp Guide*. 