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LETTER FROM THE CHAIR

My predecessor as chair of NCBE, Franklin Harrison, told me that this year would be the fastest year of my life. He was right. It has been a challenging, exciting, interesting, and very busy year—one that I have enjoyed immensely. Many thanks go to Erica Moeser, who is a constant source of good advice, as well as to the members of the Board, past and present, who continue to serve as my guides. The outstanding NCBE staff deserves special thanks, as does my own staff who have tolerated my many absences over the past year. A special thanks goes to Emily Eschweiler, my Assistant Director, who has kept things moving and handled all manner of crises in my absence without complaint.

In my previous column, I highlighted the critical role of the bar examiner. I am devoting this last column to the role of the bar admission administrator—specifically, my thoughts on qualities to look for when hiring a candidate to manage the office of bar admissions. Although it is my hope that all jurisdictions experience future stability in this position (see Erica’s column, page 4, in which she discusses continued increased turnover), I hope that my thoughts on this subject are helpful to those who will eventually be faced with conducting a search to fill this crucial position.

Although the specific duties of the bar admission administrator vary from jurisdiction to jurisdiction, in most jurisdictions the administrator is responsible for two functions—overseeing the character and fitness process and administering the bar exam. It is the administrator who ensures that the examination is properly administered twice a year, that only those who are qualified take the exam, and that only those who pass the exam and successfully complete the character and fitness investigation become lawyers.

Many bar administrators are lawyers (and many jurisdictions require that the administrator be a lawyer), but some of the largest jurisdictions do not have lawyers at the helm. In large jurisdictions, however, the office has the resources to hire a general counsel or to create other positions to be filled by lawyers so that the legal aspects of the office are covered by in-house legal expertise. Alternatively, a non-lawyer administrator may be able to rely on the legal resources provided by the state government, such as the disciplinary counsel’s office or the attorney general’s office. In some jurisdictions, the board members themselves, who are predominantly lawyers, provide the legal expertise.

The important point is that a non-lawyer administrator needs to have access to a lawyer who is well versed in bar admissions to help the administrator identify the legal issues as they arise and deal with them appropriately. Many jurisdictions find that hiring a lawyer to fill the position of administrator is the most efficient approach to deal with the raft of legal issues that arise in the day-to-day operation of

the bar admission office—such as those revolving around character and fitness hearings, ADA test accommodations, and challenges to the bar admission office’s procedures.

What are the important characteristics to look for when hiring a bar admission administrator?

Integrity. The administrator sits in judgment of others—whether it is in the role of character and fitness investigator, as a determiner of test accommodations, or as a witness to inappropriate conduct at the bar examination. The person who judges others must be above question in his or her own conduct. The administrator may also occasionally be pressed to waive rules when waivers are not appropriate or to give special consideration to someone’s friend, relative, or law clerk. Having a high standard of personal integrity is the key to responding appropriately to such requests.

Strength of character. An administrator must have the strength of character to stand up to a person making an inappropriate request, even when the circumstances are uncomfortable. An administrator must also be able to recognize when granting a waiver *is* appropriate, such as when it involves a minor issue and the circumstances and common sense support such an exception.

Curiosity and skepticism. Bar applicants may disclose matters on their applications in a way that makes the incidents sound innocent or inconsequential. The curious administrator will seek additional verification and further information. The skeptical administrator will ferret out the whole story. Curiosity and skepticism are especially important if the administrator is leading the character and fitness investigation process.

A respect for technology. At an ever-increasing rate, the administrator of the future will use technology and technological solutions to improve the efficiency of all aspects of the bar admissions process. Whether looking for high-tech solutions to office administration or keeping ahead of the latest high-tech cheating devices, the administrator needs to understand and appreciate the power of technology.



Willingness to ask for help. Most administrators come to bar admissions with experience in some other field and do much of their learning on the job. Those who are willing to ask for help early and often are most likely to succeed in this position—whether by availing themselves of NCBE’s extensive staff expertise and services or making use of the CBAA listserv to seek information from other administrators. The best administrators ask when they don’t know something.

Respect for the applicant. The administrator sets the tone in the office for how applicants are treated. The typical bar admission office delivers bad news every day, whether it is denying applicants for ineligibility or character and fitness reasons or denying requested test accommodations. An ability to deliver bad news with consideration and respect for the applicant will increase the likelihood of that applicant accepting the news without objection.

The ability to find and retain a great staff. The smart administrator looks for even smarter staff and must motivate, reward, and inspire that staff to do their best every day. The successful administrator instills in staff the commitment to doing the best work possible, because bar admission work, when done well, not only protects the public but is essential to each state’s well-functioning court system.

I hope that my parting thoughts are not only of value to jurisdictions in the future but also serve to recognize the important qualities exhibited daily by the talented and dedicated administrators who are responsible for guiding the bar admission process in each jurisdiction.

In August, Bryan Williams of New York will assume the responsibility of chair, starting the fastest year of his life. Best wishes to Bryan. 🍷

Margaret Fuller Corneille