

**Summary of Program on the Application and Admissions Processes for the
Massachusetts Bar**

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Speakers: Marilyn Wellington, Executive Director, Board of Bar Examiners (BBE)
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(Background information from Dean Marx)

For detailed information on the Massachusetts bar application and bar exam, go to the
BBE website: <http://www.mass.gov/bbe/>

This has deadlines (which are firm), application materials, etc.

Also pay attention to the court rules governing admission to practice in

Massachusetts: <http://www.mass.gov/bbe/barrules.pdf>

Pay attention to deadlines! The bar is strict on this.

From Ms. Wellington and Attorney Harris:

- I. In addition to your bar application, what do you need to be admitted to the Mass. bar?
 - A. Graduate from an ABA-accredited law school
 - B. Passing score (that you have to submit when you apply to the Mass. bar) on the Multistate Professional Responsibility Exam (MPRE)—thus, you must take and pass the MPRE while in law school as you need a passing score by the time you apply to the Mass. bar.
 - C. Must pass the bar exam: in Mass., that consists of the Multistate Bar Exam (see <http://www.ncbex.org/about-ncbe-exams/mbe/>) and the state essay part of the bar exam, which currently has 10 essay questions. Currently, Mass. schedules the Multistate Bar Exam on a Wednesday, and the state essay part on a Thursday. This can allow those who take a second bar (in states that allow applicants to take more than one bar exam in the same time period) to take the other state's state bar exam on a Tuesday, take the Multistate on Wednesday, and then go to the second state to take their state exam on Thursday. Only some states allow this.
 - D. Pass the character and fitness screening.
- II. The application

The application is very lengthy and takes much time to complete. **Note that in Massachusetts, your application is a court case filed in the Massachusetts Supreme Judicial Court! Thus, it is a public record and remains a permanent public record.** Employers, the press, etc. can see it. Fill it out accordingly. If the BBE asks an applicant for more information related to the bar application, that goes to the BBE and is not part of the public record. Also, requests for non-standard

testing accommodations (with supporting documentation) are not part of the public record.

If you have concerns about the public record piece (e.g., you had a juvenile criminal record sealed), contact the BBE ahead of time to discuss how to deal with this.

The application for the July 2014 bar exam and applicable deadlines should be up on the BBE website in mid-March. The application requires disclosure of **a lot** of information, including listing every job you have had since your 18th birthday! You'll also need two recommendation letters from persons who know you well and can speak to your ability as a future attorney. They do not have to be from lawyers, but they CANNOT be from family members.

You also need an attorney who is currently licensed to practice law in a jurisdiction (doesn't have to be Massachusetts) to sign your bar application as a recommending attorney. The attorney cannot be someone who has been suspended or disbarred, or who let his/her license to practice lapse. This person can also write one of your two recommendation letters though doesn't have to.

The persons who write the recommendation letters, and the attorney who signs your application, are attesting to your character. Thus, you must disclose to them any issues you may have that relate to character and fitness. If the BBE discovers character issues they will ask if you told the recommenders and signing attorney about them. If you did not, that can hold up your application or disqualify you.

The next Massachusetts bar exam is July 30 and 31, 2014. Massachusetts administers the exam on two sites: Boston and Springfield. Put in your request for a site as soon as possible.

III. Character and fitness evaluation

When the BBE receives your application, they do a **very** thorough background check of the applicant. The search financial, criminal, and other records. They search social media sites.

You will be asked to complete several questions on the application related to character and fitness, including, but not limited to: financial background (do you have outstanding judgments or debts); are/were you a party to lawsuits (excessive litigation?); criminal history (not only convictions, but also arrests); academic dishonesty issues (e.g., plagiarism, cheating, etc.) in college or law school; bankruptcy filing(s); dishonorable military discharge; etc.

You also will be asked questions related to fitness—substance abuse; defaulted debts; mental illness issues.

NOTE WELL: With regard to mental illness issues, do not refuse to go to counseling or get mental health treatment! The BBE wants to know that you are getting professional help for these issues. They will be much more concerned if you are not getting professional help!!! If you have a mental health issue that is treated with medication, they will want to know that you are taking the medication. They do not treat mental illness as a stigma or a problem—the problem is with those who do not get proper treatment and who don't stick with the treatment.

The same applies to alcohol/substance abuse issues. If you have, e.g., DWI's or OUI's related to alcohol, or issues in general with alcohol or other substance abuse, get help with these issues now. Resources can include Alcoholics Anonymous, and Massachusetts Lawyers Concerned for Lawyers (LCL). (LCL is free for all Massachusetts lawyers, judges and law students).

If you owe money, work to pay that off. Most states will not admit applicants to the bar if they have outstanding monetary judgments against them. **Attorney Harris advised getting a copy of your credit report well ahead of the application deadline so that if there are issues you can resolve them before the application deadline.**

The BBE will ask if you disclosed issues to the law school on your law application (or after you entered law school if an incident happened after that).

If you have an issue that you did not disclose to the law school see Dean Marx right away. If something happens during law school that relates to character/fitness, report this right away to the law school.

If you apply to more than one state bar, be consistent in your applications! The bar authorities talk to each other and compare applications.

Note that you have a continuing obligation to report to the BBE incidents that occur after you apply to the bar to the time you are sworn in as an attorney! For example, suppose you celebrate after finishing the bar exam by having too much to drink, and you are stopped by police and receive a DWI citation. You **MUST** update your bar application! Failure to do so can disqualify you for admission.

In Massachusetts, the bar looks at the totality of your circumstances. They do not have “automatic disqualifiers.” But that is not true of all states. For example, Ms. Wellington noted that in Florida, the bar will automatically disqualify someone who

has a felony conviction. Be sure to check the character and fitness requirements of states you are interested in to see how they handle these issues since it varies.

Sometimes, the BBE asks applicants for more information before they can approve your application. Be sure to respond to those requests! A small number of applicants may be called in for an informal interview with board members and Ms. Wellington.

If questions remain, the BBE may call an applicant back for a more formal hearing with a court reporter, etc. If the Board denies an applicant, the applicant can appeal to the Massachusetts Supreme Judicial Court.

The take-away from the BBE is err on the side of disclosure! It is much better to disclose than to worry about disclosing and not disclose; that can raise flags and cause many more problems with an application!