

SUPREME COURT OF ARKANSAS

No.

IN RE RULES GOVERNING
ADMISSION TO THE BAR OF
ARKANSAS

Opinion Delivered 12-2-10

PER CURIAM

The American Bar Association Section of Legal Education and Admissions to the Bar has adopted standard 301 for the accreditation of law schools. That standard requires each law school confirm that 75 percent of its graduating students have passed a bar examination within a set period after graduation. Currently, Rule III of the Arkansas Rules Governing Admission to the Bar (Rules) prohibits release of such “name specific” information.

Accordingly, the American Bar Association, the National Conference of Bar Examiners (NCBE), and the Conference of Chief Justices, have all passed resolutions asking that each state take appropriate steps to report to the NCBE, after each examination, the names and law school admission council (LSAC) number of all graduating students who took a bar examination.

Our Board of Law Examiners has unanimously recommended that Rule III be amended to allow the reporting of such information to the NCBE. In light of the resolutions

Cite as 2010 Ark. 475

passed by the national organizations mentioned above, as well as the unanimous recommendation of our own Board of Law Examiners, we hereby amend Rule III as it appears on the attachment to this order by adding a new subsection (g).

Rule III. Board Records

The activities, files and records of the Board shall be kept confidential except in the following instances:

- a. Public hearings required under these rules;
- b. The certification of names and addresses of all applicants who complete the examination and whether they have passed or failed the examination;
- c. Subsequent to the release of the bar examination results, the Secretary shall provide each examinee with his or her examination grades;
- d. When necessary for disbarment suit, or in defense of litigation brought against the Executive Secretary, the Board, or members of the Board;
- e. Such statistical data as the Board may maintain, protecting the identity of the individual applicant; and,
- f. The top examination paper in each subject shall be available for review in the Office of the Supreme Court Library and the libraries of any American Bar Association accredited law school in Arkansas, but the name of the author shall not be disclosed.
- g. The Board may provide pass/fail information, which may include applicant names, to the national entity which has been authorized by the United States Department of Education (Department) to collect such information in order to allow the Department, or its appointed agent, to determine whether law schools across the country have met “minimum passage” standards currently in effect or as they may be adopted in the future.

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Records of the Arkansas State Board of Law Examiners shall be subject to the following records retention schedule:

1. Applications to take examination or seek admission on motion - shall be maintained for a period of ten (10) years and then shall be destroyed;
2. Fiscal records - shall be maintained for a period of ten (10) years and then shall be destroyed; and,
3. Lists of applicants and scores - the list of all individuals who actually take a given examination, along with statistical analyses which contain information on the scores obtained, and, all documentation concerning the conduct of the examination shall be maintained for a period of twenty-five (25) years and then shall be destroyed; and,

Any information furnished to the Board or its Executive Secretary in connection with any application shall be confidential unless the person furnishing that information waives its confidentiality in writing. Any proceeding at which the testimony of witnesses is being taken under oath shall be open to the public and all evidence considered by the Board at such a proceeding shall be public.