

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SJUD 12574

**Minnesota State Bar Association (15,000 members)**

<u>DUES</u>	
\$213	- 6+ yrs
\$163	- 4-6 yrs
\$113	- 2-3 yrs, LOA, PARA
\$43	- Income of less than \$25,000
\$20	- ST
\$0	- MIL, NA, Disabled
\$196	- District assn. dues (largest district)
\$3	- District assn. dues (smallest district)

<u>FEES</u>	
\$198	- L/RF (3+ yrs)
\$97	- L/RF (0-3 yrs)
\$77	- L/RF (OOS)
\$20	- CSF

Fees are reduced by 25% for attorneys with an income of less than \$25,000

OOS, RET and legal services attorneys receive 50% discount on dues

GOVT, JUD and emeritus attorneys receive 75% discount on dues

Fees are reduced by 25% for attorneys with an income of less than \$25,000

Members of Minnesota State Bar Association must also belong to one district bar association

**\*The Mississippi Bar (8,170 members)**

<u>DUES</u>	
\$270	- 3+ yrs
\$130	- 1-3 yrs
\$70	- NA
\$50	- INA
\$0	- JUD, RET (over 75 yrs of age)

FEES

**\*The Missouri Bar (26,000 members)**

<u>DUES</u>	
\$157	- 3+ yrs
\$102	- 1-3 yrs
\$92	- OOS
\$0	- NA, RET (50 yrs in practice or 70 yrs of age)

<u>FEES</u>	
\$68	- Disciplinary fee

**\*State Bar of Montana (3,254 members)**

<u>DUES</u>	
\$150	- Active members
\$75	- INA
\$50	- INA seniors
\$0	- JUD
\$0	- Active MIL

<u>FEES</u>	
\$25	- L/RF
\$20	- CSF (Lawyers' Fund for Client Protection)
\$15	- MCLE
\$75	- Discipline

**\*Nebraska State Bar Association (9,040 members)**

<u>DUES</u>	
\$240	- 5+ yrs
\$140	- 1-5 yrs
\$65	- 75 yrs of age and active
\$45	- INA
\$0	- NA, MIL, Emeritus (75 yrs of age or 50 yrs in practice)

<u>FEES</u>	
\$80	- Supreme court disciplinary fee for active members
\$40	- Supreme court disciplinary fee for inactive members

**\*State Bar of Nevada (8,000 members)**

**DUES**  
\$450 - 5+ yrs (admitted to practice in any jurisdiction), JUD  
\$250 - 0-5 yrs  
\$125 - INA

**FEES**

**\*New Hampshire Bar Association (5,356 members)**

**DUES**  
\$250 - 5+ yrs  
\$225 - JUD  
\$200 - <5 yrs  
\$140 - INA  
\$25 - Inactive retired (age 75 and fully retired)  
\$0 - Member for 50 yrs

**FEES**  
\$195 - PRF (active members)  
\$50 - Public protection fund (5+ yrs)  
\$40 - Public protection fund (JUD)  
\$35 - Public protection fund (0-5 yrs)  
\$20 - Public protection fund (INA)  
\$5 - Public protection fund (RET)  
\$10 - PRF (INA)

**New Jersey State Bar Association (16,900 members)**

**DUES**  
\$255 - 6+ yrs, LOA  
\$226 - JUD 6+  
\$210 - GOVT 6+ yrs  
\$150 - 1-6+ yrs  
\$76 - MIL, PARA, NA, GOVT 1-5 yrs, Law librarian  
\$20 - ST  
\$0 - JUD 0-6

**FEES**  
\$50 - CSF, (5-49 yrs)  
\$25 - CSF, (3-4 yrs)  
\$126 - Ethics (3-49 yrs)  
\$25 - Ethics (2 yrs)  
(no ethics or CSF fee for first year)  
\$6 - Lawyers assistance program (3-49 yrs)  
\$3 - Lawyers assistance program (2 yrs)

**\*State Bar of New Mexico (7,783 members)**

**DUES**  
\$215 - 3+ yrs  
\$165 - 1-3 yrs  
\$115 - NA  
\$75 - INA  
\$0 - Dues may be waived if over 70 yrs of age or disabled and earning less than \$15,000/yr

**FEES**  
\$150 - Disciplinary fee

**New York State Bar Association (70,500 members)**

**DUES**  
\$250 - 8+ yrs  
\$170 - 7-8 yrs  
\$110 - 5-6 yrs  
\$105 - OOS 5+ yrs  
\$50 - 1-4 yrs, OOS 2-4 yrs  
\$10 - ST  
\$0 - NA  
\$400 - Sustaining  
\$200 - Nonresident membership, sustaining

**FEES (payable every two years)**  
\$240 - Attorney licensing fee  
\$60 - CSF  
\$50 - Legal services

**North Carolina Bar Association (14,500 members)**

**DUES**  
\$235 - 6+ yrs  
\$165 - 5 yrs  
\$110 - 4 yrs  
\$100 - 3 yrs  
\$75 - 2 yrs  
\$0 - 1 yr, ST  
\$470 - Sustaining

**FEES**

**\*North Carolina State Bar (20,604 members)**

**DUES**  
\$235 - All members

**FEES**  
\$50 - CSF

**\*State Bar Association of North Dakota (1,860 members)**

**DUES**  
\$380 - 5+ yrs  
\$350 - 1-5 yrs  
\$325 - NA  
\$50 - INA

**FEES**  
\$8.33 - MCLE (\$25 every three years)

**Ohio State Bar Association (30,450 members)**

**DUES**  
\$255 - 6+ yrs  
\$200 - OOS, GOVT 6+ yrs  
\$155 - INA, RET  
\$130 - 1-6 yrs  
\$100 - GOVT 1-5 yrs  
\$70 - PARA  
\$0 - NA, ST, Life membership (30 yrs of membership/50 yrs of practice)

**FEES**  
\$275 - L/RF (every two years-paid to Supreme Court)

**\*Oklahoma Bar Association (15,294 members)**

<u>DUES</u>	
\$275	- 3+ yrs
\$137.50	- 1-3 yrs
\$35	- ST
\$0	-NA, 70 yrs of age

FEES

**\*Oregon State Bar (16,128 members)**

<u>DUES</u>	
\$447	- 2+ yrs
\$383	- 0-2 yrs
\$110	- Emeritus, INA
\$0	- Member for 50 yrs, MIL

<u>FEES</u>	
\$3,000	- Mandatory insurance (private attys.) (4 yrs+, varies 0-4 yrs)
\$30	- Affirmative action fee
\$5	- CSF

**Pennsylvania Bar Association (26,570 members)**

<u>DUES</u>	
\$230	- 5+ yrs
\$184	- 4-5 yrs
\$138	- 2-3 yrs
\$92	- ASSO, 1-2 yrs
\$10	- ST
\$0	- NA, ST, member for 50 yrs, 70 yrs of age and member for 25 yrs

<u>FEES</u>	
\$130	- PRF
\$45	- CSF

**\*Rhode Island Bar Association (5,700 members)**

<u>DUES</u>	
\$200	- 5+ yrs
\$115	- 1-5 yrs, INA
\$115	- Voluntary contribution - JUD
\$0	- NA, MIL, RET

<u>FEES</u>	
\$200	- L/RF (paid to Supreme Court)
\$25	- CSF

**\*South Carolina Bar (11,855 members)**

<u>DUES</u>	
\$190	- 3+ yrs
\$120	- 1-3 yrs, JUD, MIL, INA
\$100	- ASSO
\$0	- Retired

<u>FEES</u>	
\$20	- MCLE
\$20	- CSF
\$50	- PRF

**\*State Bar of South Dakota (2,700 members)**

<u>DUES</u>	
\$315	- 4+ yrs
\$240	- JUD
\$190	- <4 yrs
\$75	- INA

FEES

Dues (not including INA and JUD) include prepaid CLE for all state bar-sponsored CLE programs  
A \$75 voluntary bar foundation assessment fee is added to each category with an opt-out provision

**Tennessee Bar Association (9,050 members)**

**DUES**  
\$195 - Regular dues\*  
\$30 - ST

**INCOME RANGE:**

\$90 - \$0-25,000  
\$120 - \$25,001-50,000  
\$160 - \$50,001-75,000  
\$195 - \$75,001-100,000  
\$215 - Over \$100,000  
\$265 - Patron membership

**FEES**  
\$105 - LR/F  
\$10 - CSF  
\$400 - Occupational tax  
\$20 - Lawyer assistance program

\*Members may elect to pay based on income levels above.

**\*State Bar of Texas (76,381 members)**

**DUES**  
\$235 - 5+ yrs  
\$148 - 3-5 yrs  
\$68 - 0-2 yrs  
\$50 - INA  
\$0 - 70 yrs of age

**FEES**  
\$200 - Occupational tax  
\$65 - Legal services fee

**\*Utah State Bar (8,701 members)**

**DUES**  
\$350 - 3+ yrs  
\$190 - 0-3 yrs  
\$90 - INA (full service)  
\$80 - INA (no service)  
\$0 - RET (over 75 yrs of age)

**FEES**  
\$10 - CSF

**Vermont Bar Association (2,180 members)**

**DUES**  
\$170 - 10+ yrs  
\$160 - 5-10 yrs  
\$120 - DOS, JUD, PROF  
\$105 - 2-4 yrs  
\$80 - 1 yr, PARA  
\$55 - Students, law clerks  
\$0 - 70 yrs of age and member for 40 yrs

**FEES**  
\$150 - L/RF

**Virginia Bar Association (5,600 members)**

**DUES**  
\$200 - 5+ yrs  
\$150 - 1-5 yrs  
\$100 - PROF, GOVT, RET, DIS  
\$0 - NA, JUD, ST

**FEES**

**\*Virginia State Bar (26,048 members)**

**DUES**  
\$250 - Active, CORP  
\$125 - ASSO, NA  
\$62.50 - NA (0-6 mo.)

**FEES**

**\*Washington State Bar Association (26,000 members)**

**DUES**  
\$391 - 5+ yrs  
\$318 - 4-5 yrs  
\$195 - 2-3 yrs  
\$117 - INA, emeritus  
\$111 - NA, admitted after Feb. bar exam  
\$61 - NA, admitted after July bar exam

**FEES**  
\$15 - CSF

**West Virginia Bar Association (1,133 members)**

**DUES**  
\$275 - ASSO  
\$140 - 5+ yrs  
\$85 - OOS  
\$65 - 1-5 yrs (young lawyers)  
\$40 - PARA, legal nurse consultants

**FEES**

**\*West Virginia State Bar (4,500 members)**

**DUES**  
\$250 - 3+ yrs  
\$200 - 1-3 yrs  
\$100 - 0-1 yr, INA

**FEES**

**\*State Bar of Wisconsin (21,749 members)**

**DUES**  
\$224 - 3+ yrs, JUD with voting privileges, SC justices  
\$150 - JUD with no voting privileges  
\$112 - 0-3 yrs, INA  
\$0 - Emeritus (over 70 yrs of age), MIL

**FEES**  
\$132.66 - PRF (3+ yrs)  
\$66.33 - PRF (0-3 yrs)  
\$50 - WI Trust Acct Fndn. Assess.  
\$13 - MCLE (3+ yrs)  
\$10 - CSF  
\$6.50 - MCLE (0-3 yrs)

**\*Wyoming State Bar (2,989 members)**

**DUES**  
\$250 - 5+ yrs  
\$137.50 - 0-5 yrs, INA

**FEES**  
\$5 - MCLE

**A. Ranking by Top Membership Dues for All State Bar Associations**

1	Alaska Bar Association	\$540
2	State Bar of Nevada	\$450
3	Oregon State Bar	\$447
4	State Bar of Arizona	\$430
5	Washington State Bar Association	\$391
6	State Bar of North Dakota	\$380
7	Utah State Bar	\$350
8	Idaho State Bar	\$340
9	State Bar of California	\$320
10	State Bar of South Dakota*	\$315
11	Massachusetts Bar Association	\$300
12	Illinois State Bar Association	\$279
13	Oklahoma Bar Association	\$275
14	Kentucky Bar Association	\$270
	The Mississippi Bar	\$270
15	The Florida Bar	\$265
16	Connecticut Bar Association	\$260
17	New Jersey State Bar Association	\$255
	Ohio State Bar Association	\$255
18	Alabama State Bar	\$250
	New Hampshire Bar Association	\$250
	New York State Bar Association	\$250
	Virginia State Bar	\$250
	West Virginia State Bar	\$250
	Wyoming State Bar	\$250
19	Maine State Bar Association	\$245
20	Nebraska State Bar Association	\$240
21	North Carolina Bar Association	\$235
	North Carolina State Bar	\$235
	State Bar of Texas	\$235
22	Delaware State Bar Association	\$230
	Indiana State Bar Association	\$230
	Pennsylvania Bar Association	\$230
23	State Bar of Wisconsin	\$224
24	State Bar of Georgia	\$218
25	State Bar of New Mexico	\$215
26	Minnesota State Bar Association	\$213
27	Arkansas Bar Association	\$210
	Iowa State Bar Association	\$210
28	Rhode Island Bar Association	\$200

Virginia Bar Association	\$200
29 Tennessee Bar Association	\$195
30 South Carolina Bar	\$190
31 Colorado Bar Association	\$185
32 State Bar of Michigan	\$180
33 Kansas Bar Association	\$175
34 District of Columbia Bar	\$173
35 Vermont Bar Association	\$170
36 Hawaii State Bar Association	\$160
37 The Missouri Bar	\$157
38 State Bar of Montana	\$150
The Bar Association of the District of Columbia	\$150
39 West Virginia Bar Association	\$140
40 Maryland State Bar Association	\$125
41 Louisiana State Bar Association	\$100

**AVERAGE TOP MEMBERSHIP  
DUES FOR ALL STATE BARS**

**\$249**

\*Includes prepaid CLE for all state bar-sponsored programs

## F. Ranking by Total Cost to Practice in State

1.	Alaska	\$550
2.	Connecticut	\$560
3.	Tennessee	\$535
4.	Texas	\$500
5.	New Hampshire	\$495
6.	Oregon	\$482 <sup>1</sup>
7.	Hawaii	\$480
8.	Arizona	\$460
9.	Nevada	\$450
10.	Wisconsin	\$429.66
11.	Rhode Island	\$425
12.	Washington	\$406
13.	California	\$395
14.	North Dakota	\$383.33
15.	Delaware	\$375
16.	New Mexico	\$365
17.	Idaho	\$360
	Utah	\$360
18.	Nebraska	\$320
19.	Michigan	\$315
	South Dakota	\$315
20.	Georgia	\$288
21.	Montana	\$285
	North Carolina	\$285
22.	South Carolina	\$280
23.	Alabama	\$275
	Oklahoma	\$275
24.	Kentucky	\$270
	Mississippi	\$270
25.	Florida	\$265
	Louisiana	\$265
26.	Wyoming	\$255
27.	West Virginia	\$250
	Virginia	\$250
28.	Illinois	\$229
29.	Missouri	\$225
30.	Maine	\$222
31.	Massachusetts	\$220
32.	Minnesota	\$218
33.	Colorado	\$195
34.	Arkansas	\$185
35.	New Jersey	\$182
36.	New York	\$175
	Pennsylvania	\$175
37.	District of Columbia	\$173
38.	Kansas	\$170
39.	Vermont	\$150
40.	Ohio	\$137.50
41.	Iowa	\$135
42.	Indiana	\$105
43.	Maryland	\$105

<sup>1</sup> Does not include \$3,000 mandatory professional liability insurance fee for attorneys in private practice.

### G. Mandatory Dues and Fees in Each State

<u>State</u>	<u>Total Cost to Practice in State<sup>2</sup></u>	<u>Dues &amp; Fees Included in Total</u>
Alabama	\$275	\$250-Dues, \$25-CSF (\$100 payable over four years)
Alaska	\$550	\$540-Dues, \$10-CSF
Arizona	\$460	\$430-Dues, \$30-CSF
Arkansas	\$185	\$175-L/RF, \$10-CSF
California	\$390	\$320-Dues, \$40-CSF, \$25-Discipline, \$10-Building fund
Colorado	\$195	\$195-L/RF (includes \$10-MCLE, \$18.15-CSF, \$9-LAP)
Connecticut	\$560	\$450-Occupational tax, \$110-CSF
Delaware	\$375	\$180-CSF, \$100-PRF, \$75-Occupational tax, \$10-L/RF, \$10-MCLE
District of Columbia	\$173	\$173-Dues
Florida	\$265	\$265-Dues
Georgia	\$288	\$218-Dues, \$20-CSF (\$100 payable over 5 yrs), \$50-Bar facility assessment (\$200 payable over 4 yrs)
Hawaii	\$480	\$160-Dues, \$250-PRF, \$50-CSF, \$20-LAP
Idaho	\$360	\$340-Dues, \$20-CSF
Illinois	\$229	\$180-L/RF, \$42-IOLTA, \$7-LAP
Indiana	\$105	\$90-L/RF, \$15-MCLE
Iowa	\$135	\$125-PRF, \$10-MCLE (also one-time CSF fee of \$200)
Kansas	\$170	\$135-L/RF, \$20-MCLE
Kentucky	\$270	\$270-Dues
Louisiana	\$265	\$100-Dues, \$165-PRF
Maine	\$222	\$192-L/RF, \$30-Client protection assessment
Maryland	\$105	\$85-PRF, \$20-CSF
Massachusetts	\$220	\$220-L/RF
Michigan	\$315	\$180-Dues, \$120-Disciplinary fee, \$15-CSF
Minnesota	\$218	\$198-L/RF, \$20 CSF
Mississippi	\$270	\$270-Dues
Missouri	\$225	\$157-Dues, \$68-Disciplinary fee
Montana	\$285	\$150-Dues, \$25-L/RF, \$20-CSF, \$15-MCLE, \$75-discipline
Nebraska	\$320	\$240-Dues, \$80-Supreme court discipline fee
Nevada	\$450	\$350-Dues
New Hampshire	\$495	\$250-Dues, \$195-PRF, \$50-Public protection fund
New Jersey	\$182	\$126-Ethics, \$50-CSF, \$6-LAP
New Mexico	\$365	\$215-Dues, \$150-Disciplinary fee
New York	\$175	\$240-Licensing fee, \$60-CSF, \$50-legal services (all paid every two yrs.)
North Carolina	\$285	\$235-Dues, \$50-CSF
North Dakota	\$383.33	\$380-Dues, \$8.33-MCLE (\$25 every three years)
Ohio	\$137.50	\$137.50-L/RF (\$275 payable every two years)
Oklahoma	\$275	\$275-Dues
Oregon	\$482	\$447-Dues, \$30-Affirmative action fee, \$5-CSF <sup>3</sup>
Pennsylvania	\$175	\$130-PRF, \$45-CSF
Rhode Island	\$425	\$200-Dues, \$200-L/RF, \$25-CSF
South Carolina	\$280	\$190-Dues, \$50-PRF, \$20-MCLE, \$20-CSF
South Dakota	\$315	\$315-Dues (includes prepaid CLE)
Tennessee	\$535	\$400-Occupational tax, \$105-L/RF, \$10-CSF, \$20-LAP
Texas	\$500	\$235-Dues, \$200-Occupational tax, \$65-Legal services fee
Utah	\$360	\$350-Dues, \$10-CSF
Vermont	\$150	\$150-L/RF
Virginia	\$250	\$250-Dues
Washington	\$406	\$391-Dues, \$15-CSF
West Virginia	\$250	\$250-Dues
Wisconsin	\$429.66	\$224-Dues, \$132.66-PRF, \$50-WI Trust Account Fndn. Assess., \$13-MCLE, \$10-CSF
Wyoming	\$255	\$250-Dues, \$5-MCLE

<sup>2</sup> For bars that use sliding scales, figures used for this total are taken from the highest category of dues and fees.

<sup>3</sup> Does not include \$3,000 mandatory professional liability insurance fee for attorneys in private practice.

### **Attachment C**

American Bar Association, Section of Legal Education and Admission to the Bar,  
"Chart XI: Bar Admission Fees" in *Comprehensive Guide to Bar Admissions*, pg.  
35; available online at <http://www.abanet.org/legaled/baradmissions/bar.html>

## 2005 STATISTICS

*This section includes data, by jurisdiction, on the number of persons taking and passing bar examinations in 2005, the number taking and passing bar examinations categorized by source of legal education, the number of and passage rates for first-time exam takers and repeaters, the number of attorney candidates taking and passing special attorneys' examinations, and the number of disbarred or suspended attorneys taking and passing examinations as a condition of reinstatement.*

*Also included is a chart showing a longitudinal view of bar passage rates, both overall and for first-time takers, over a ten-year period. There is also a five-year snapshot, by jurisdiction, of the number of persons admitted by examination, on motion, and by diploma privilege, and the number of individuals licensed as foreign legal consultants.*

*Data for the first seven tables were supplied by the jurisdictions. In reviewing the data, the reader should keep in mind that some individuals seek admission in more than one jurisdiction in a given year.*

*Pages 37-41 give data from the 2005 administrations of the Multistate Bar Examination (MBE) and the Multistate Professional Responsibility Examination (MPRE). Pages 42 and 43 show the use, by jurisdiction, of the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT).*

### PERSONS TAKING AND PASSING THE 2005 BAR EXAMINATION

Jurisdiction	Days of Testing	Taking February	Passing February	Percent Passing	Taking July	Passing July	Percent Passing	Total Taking	Total Passing	Percent Passing
Alabama	2.5	245	121	49%	525	375	71%	770	496	64%
Alaska	2.5	62	44	71%	70	39	56%	132	83	63%
Arizona	2	384	256	67%	758	512	68%	1,142	768	67%
Arkansas	2.5	102	68	67%	247	178	72%	349	246	70%
California	3	4,520	1,810	40%	8,343	4,072	49%	12,863	5,882	46%
Colorado	2	446	288	65%	841	593	71%	1,287	881	68%
Connecticut	2	402	278	69%	872	663	76%	1,274	941	74%
Delaware	2.5	No February Examination			260	149	57%	260	149	57%
District of Columbia	2	299	165	55%	294	137	47%	593	302	51%
Florida	2	1,613	932	58%	2,894	1,777	61%	4,507	2,709	60%
Georgia	2	412	247	60%	1,252	960	77%	1,664	1,207	73%
Guam	2	8	6	75%	5	4	80%	13	10	77%
Hawaii	2	120	87	73%	200	141	71%	320	228	71%
Idaho	2.5	59	40	68%	148	114	77%	207	154	74%
Illinois	2	1,059	734	69%	2,813	2,274	81%	3,872	3,008	78%
Indiana	2	243	176	72%	576	440	76%	819	616	75%
Iowa	2.5	102	80	78%	227	184	81%	329	264	80%
Kansas	2	218	173	79%	258	189	73%	476	362	76%
Kentucky	2	223	152	68%	419	309	74%	642	461	72%
Louisiana	3	352	255	72%	710	483	68%	1,062	738	69%
Maine	2	90	58	64%	156	115	74%	246	173	70%
Maryland	2	650	378	58%	1,604	1,082	67%	2,254	1,460	65%
Massachusetts	2	664	401	60%	2,010	1,537	76%	2,674	1,938	72%

## PERSONS TAKING AND PASSING THE 2005 BAR EXAMINATION

<i>Jurisdiction</i>	<i>Days of Testing</i>	<i>Taking February</i>	<i>Passing February</i>	<i>Percent Passing</i>	<i>Taking July</i>	<i>Passing July</i>	<i>Percent Passing</i>	<i>Total Taking</i>	<i>Total Passing</i>	<i>Percent Passing</i>
Michigan	2	546	303	55%	897	615	69%	1,443	918	64%
Minnesota	2	172	119	69%	769	647	84%	941	766	81%
Mississippi	3	130	108	83%	271	231	85%	401	339	85%
Missouri	2	302	226	75%	826	692	84%	1,128	918	81%
Montana	2.5	64	53	83%	126	106	84%	190	159	84%
Nebraska	1.5	39	18	46%	160	128	80%	199	146	73%
Nevada	2.5	331	221	67%	458	242	53%	789	463	59%
New Hampshire	2	82	41	50%	153	86	56%	235	127	54%
New Jersey	2	1,072	655	61%	3,435	2,484	72%	4,507	3,139	70%
New Mexico	2	127	96	76%	215	181	84%	342	277	81%
New York	2	3,213	1,525	47%	10,175	6,809	67%	13,388	8,334	62%
North Carolina	2	423	257	61%	905	594	66%	1,328	851	64%
North Dakota	2	21	16	76%	44	38	86%	65	54	83%
N. Mariana Islands	1.5	0	0	—	9	9	100%	9	9	100%
Ohio	2.5	519	321	62%	1,386	1,035	75%	1,905	1,356	71%
Oklahoma	2	155	118	76%	364	306	84%	519	424	82%
Oregon	2	231	133	58%	552	391	71%	783	524	67%
Palau	3	1	1	100%	6	4	67%	7	5	71%
Pennsylvania	2	741	464	63%	2,234	1,616	72%	2,975	2,080	70%
Puerto Rico <sup>a</sup>	2.5	425	152	36%	671	268	40%	1,096	420	38%
Rhode Island	2	60	38	63%	183	119	65%	243	157	65%
South Carolina	3	178	134	75%	390	318	82%	568	452	80%
South Dakota	2	44	29	66%	84	63	75%	128	92	72%
Tennessee	2	223	142	64%	684	529	77%	907	671	74%
Texas	2.5	1,178	754	64%	2,820	2,091	74%	3,998	2,845	71%
Utah	2	132	112	85%	304	264	87%	436	376	86%
Vermont	2	41	31	76%	87	62	71%	128	93	73%
Virgin Islands	2	32	21	66%	32	23	72%	64	44	69%
Virginia	2	562	353	63%	1,367	963	70%	1,929	1,316	68%
Washington	2.5	488	370	76%	913	630	69%	1,401	1,000	71%
West Virginia	2	116	67	58%	219	147	67%	335	214	64%
Wisconsin	2	116	90	78%	182	139	76%	298	229	77%
Wyoming	1.5	42	31	74%	75	53	71%	117	84	72%
<b>TOTALS</b>		<b>24,079</b>	<b>13,748</b>	<b>57%</b>	<b>56,478</b>	<b>38,210</b>	<b>68%</b>	<b>80,557</b>	<b>51,958</b>	<b>64%</b>

a. Examinations are administered in March and September in Puerto Rico.

**PERSONS TAKING AND PASSING THE 2005 BAR EXAMINATION  
BY SOURCE OF LEGAL EDUCATION**

Jurisdiction	ABA-Approved Law School			Non-ABA-Approved Law School			Law School Outside the USA			Law Office Study		
	Taking	Passing	Percent Passing	Taking	Passing	Percent Passing	Taking	Passing	Percent Passing	Taking	Passing	Percent Passing
Alabama	478	401	84%	291	95	33%	1	1	100%	—	—	—
Alaska	131	82	63%	—	—	—	1	1	100%	—	—	—
Arizona	1,122	757	67%	14	7	50%	6	4	67%	—	—	—
Arkansas	349	246	70%	—	—	—	—	—	—	—	—	—
California <sup>a</sup>	9,191	4,987	54%	2,257	354	16%	—	—	—	5	1	20%
Colorado	1,275	877	69%	2	2	100%	10	2	20%	—	—	—
Connecticut	1,218	927	76%	52	14	27%	4	0	0%	—	—	—
Delaware	260	149	57%	—	—	—	—	—	—	—	—	—
District of Columbia	543	287	53%	50	15	30%	—	—	—	—	—	—
Florida	4,502	2,707	60%	5	2	40%	—	—	—	—	—	—
Georgia	1,571	1,199	76%	93	8	9%	—	—	—	—	—	—
Guam	13	10	77%	—	—	—	—	—	—	—	—	—
Hawaii	317	225	71%	3	3	100%	—	—	—	—	—	—
Idaho	207	154	74%	—	—	—	—	—	—	—	—	—
Illinois	3,857	3,002	78%	—	—	—	15	6	40%	—	—	—
Indiana	819	616	75%	—	—	—	—	—	—	—	—	—
Iowa	329	264	80%	—	—	—	—	—	—	—	—	—
Kansas	476	362	76%	—	—	—	—	—	—	—	—	—
Kentucky	641	461	72%	—	—	—	1	0	0%	—	—	—
Louisiana	1,034	734	71%	—	—	—	28	4	14%	—	—	—
Maine	244	172	70%	2	1	50%	—	—	—	—	—	—
Maryland	2,238	1,454	65%	16	6	38%	—	—	—	—	—	—
Massachusetts	2,358	1,836	78%	308	97	31%	8	5	63%	—	—	—
Michigan	1,443	918	64%	—	—	—	—	—	—	—	—	—
Minnesota	941	766	81%	—	—	—	—	—	—	—	—	—
Mississippi	401	339	85%	—	—	—	—	—	—	—	—	—
Missouri	1,105	912	83%	2	1	50%	21	5	24%	—	—	—

a. California examined another 1,410 candidates (692 in February and 718 in July) who have not been categorized by source of education. Of these candidates, 540, or 38 percent, passed (339 in February and 201 in July).

**PERSONS TAKING AND PASSING THE 2005 BAR EXAMINATION  
BY SOURCE OF LEGAL EDUCATION**

Jurisdiction	ABA-Approved Law School			Non-ABA-Approved Law School			Law School Outside the USA			Law Office Study		
	Taking	Passing	Percent Passing	Taking	Passing	Percent Passing	Taking	Passing	Percent Passing	Taking	Passing	Percent Passing
Montana	190	159	84%	—	—	—	—	—	—	—	—	—
Nebraska	199	146	73%	—	—	—	—	—	—	—	—	—
Nevada	777	457	59%	5	2	40%	7	4	57%	—	—	—
New Hampshire	218	118	54%	17	9	53%	—	—	—	—	—	—
New Jersey	4,507	3,139	70%	—	—	—	—	—	—	—	—	—
New Mexico	341	277	81%	1	0	0%	—	—	—	—	—	—
New York	10,033	7,213	72%	3	0	0%	3,337	1,119	34%	15	2	13%
North Carolina	1,328	851	64%	—	—	—	—	—	—	—	—	—
North Dakota	65	54	83%	—	—	—	—	—	—	—	—	—
N. Mariana Islands	9	9	100%	—	—	—	—	—	—	—	—	—
Ohio	1,885	1,351	72%	—	—	—	20	5	25%	—	—	—
Oklahoma	519	424	82%	—	—	—	—	—	—	—	—	—
Oregon	774	521	67%	5	0	0%	4	0	0%	—	—	—
Palau	6	5	83%	—	—	—	1	0	0%	—	—	—
Pennsylvania	2,970	2,078	70%	1	1	100%	4	1	25%	—	—	—
Puerto Rico	940	386	41%	152	34	22%	4	0	0%	—	—	—
Rhode Island	243	157	65%	—	—	—	—	—	—	—	—	—
South Carolina	568	452	80%	—	—	—	—	—	—	—	—	—
South Dakota	128	92	72%	—	—	—	—	—	—	—	—	—
Tennessee	765	607	79%	108	53	49%	34	11	32%	—	—	—
Texas	3,974	2,838	71%	7	2	29%	17	5	29%	—	—	—
Utah	436	376	86%	—	—	—	—	—	—	—	—	—
Vermont	123	93	76%	—	—	—	—	—	—	5	0	0%
Virgin Islands	62	43	69%	2	1	50%	—	—	—	—	—	—
Virginia	1,869	1,304	70%	—	—	—	48	10	21%	12	2	17%
Washington	1,401	1,000	71%	—	—	—	—	—	—	—	—	—
West Virginia	333	214	64%	2	0	0%	—	—	—	—	—	—
Wisconsin	293	225	77%	5	4	80%	—	—	—	—	—	—
Wyoming	117	84	72%	—	—	—	—	—	—	—	—	—
<b>TOTALS</b>	<b>72,136</b>	<b>49,517</b>	<b>69%</b>	<b>3,403</b>	<b>711</b>	<b>21%</b>	<b>3,571</b>	<b>1,183</b>	<b>33%</b>	<b>37</b>	<b>5</b>	<b>14%</b>

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## FIRST-TIME EXAM TAKERS AND REPEATERS IN 2005

	<i>February First Timers Taking</i>	<i>February First Timers' Pass Rate</i>	<i>February Repeaters Taking</i>	<i>February Repeaters' Pass Rate</i>	<i>July First Timers Taking</i>	<i>July First Timers' Pass Rate</i>	<i>July Repeaters Taking</i>	<i>July Repeaters' Pass Rate</i>	<i>Total First Timers' Pass Rate</i>	<i>Total Repeaters' Pass Rate</i>
Alabama	154	68%	91	18%	438	84%	87	9%	80%	13%
Alaska	50	78%	12	42%	49	71%	21	19%	75%	27%
Arizona	257	74%	127	51%	647	71%	111	45%	72%	49%
Arkansas	62	82%	40	43%	219	77%	28	32%	78%	38%
California	1,281	54%	3,239	34%	5,909	64%	2,434	13%	62%	25%
Colorado	263	76%	183	48%	726	78%	115	22%	78%	38%
Connecticut	294	80%	108	39%	787	81%	85	26%	81%	33%
Delaware	<i>No February Examination</i>				214	63%	46	30%	63%	30%
District of Columbia	36	61%	263	54%	105	71%	189	33%	69%	45%
Florida	1,079	71%	534	31%	2,431	71%	463	13%	71%	23%
Georgia	234	75%	178	40%	1,056	86%	196	28%	84%	34%
Guam	6	100%	2	0%	3	100%	2	50%	100%	25%
Hawaii	84	85%	36	44%	166	79%	34	29%	81%	37%
Idaho	35	74%	24	58%	128	81%	20	50%	80%	55%
Illinois	643	80%	416	52%	2,543	86%	270	31%	85%	41%
Indiana	155	85%	88	51%	508	84%	68	22%	84%	38%
Iowa	62	87%	40	65%	210	86%	17	24%	86%	53%
Kansas	167	84%	51	63%	230	78%	28	36%	81%	53%
Kentucky	133	77%	90	56%	354	81%	65	34%	80%	46%
Louisiana	134	68%	218	75%	603	73%	107	40%	72%	64%
Maine	54	80%	36	42%	126	82%	30	40%	81%	41%
Maryland	289	69%	361	50%	1,330	76%	274	28%	74%	40%
Massachusetts	346	74%	318	46%	1,772	84%	238	22%	82%	36%
Michigan	308	68%	238	40%	727	78%	170	28%	75%	35%
Minnesota	110	85%	62	40%	714	89%	55	24%	88%	32%
Mississippi	99	89%	31	65%	254	88%	17	41%	88%	56%
Missouri	200	86%	102	54%	761	88%	65	34%	88%	46%
Montana	46	89%	18	50%	117	89%	9	22%	89%	41%

## FIRST-TIME EXAM TAKERS AND REPEATERS IN 2005

	February First Timers Taking	February First Timers' Pass Rate	February Repeaters Taking	February Repeaters' Pass Rate	July First Timers Taking	July First Timers' Pass Rate	July Repeaters Taking	July Repeaters' Pass Rate	Total First Timers' Pass Rate	Total Repeaters' Pass Rate
Nebraska	15	53%	24	42%	138	88%	22	27%	85%	35%
Nevada	194	75%	137	55%	355	64%	103	16%	68%	38%
New Hampshire	58	64%	24	17%	130	60%	23	35%	61%	26%
New Jersey	546	76%	526	45%	3,082	78%	353	27%	77%	38%
New Mexico	99	77%	28	71%	192	90%	23	39%	85%	57%
New York	1,127	62%	2,086	39%	8,613	76%	1,562	17%	74%	30%
North Carolina	214	68%	209	54%	776	72%	129	26%	71%	43%
North Dakota	12	92%	9	56%	39	90%	5	60%	90%	57%
N. Mariana Islands	—	—	—	—	9	100%	—	—	100%	—
Ohio	219	74%	300	53%	1,225	81%	161	24%	80%	43%
Oklahoma	89	84%	66	65%	323	91%	41	32%	89%	52%
Oregon	129	65%	102	48%	483	76%	69	32%	74%	42%
Palau	1	100%	—	—	6	67%	—	—	71%	—
Pennsylvania	301	89%	440	44%	1,991	79%	243	22%	80%	36%
Puerto Rico <sup>a</sup>	120	33%	305	37%	464	50%	207	18%	46%	29%
Rhode Island	34	74%	26	50%	160	70%	23	30%	71%	41%
South Carolina	127	84%	51	53%	361	85%	29	38%	85%	48%
South Dakota	29	79%	15	40%	72	85%	12	17%	83%	30%
Tennessee	126	71%	97	54%	608	81%	76	46%	80%	50%
Texas	631	76%	547	51%	2,409	81%	411	36%	80%	44%
Utah	105	90%	27	67%	286	90%	18	39%	90%	56%
Vermont	28	93%	13	38%	81	75%	6	17%	80%	32%
Virgin Islands	26	69%	6	50%	28	71%	4	75%	70%	60%
Virginia	252	75%	310	53%	1,200	76%	167	29%	76%	44%
Washington	278	80%	210	70%	800	75%	113	24%	77%	54%
West Virginia	12	67%	104	57%	156	71%	63	57%	71%	57%
Wisconsin	92	82%	24	63%	163	79%	19	58%	80%	60%
Wyoming	9	67%	33	76%	50	82%	25	48%	80%	64%
<b>TOTALS</b>	<b>11,454</b>	<b>72%</b>	<b>12,625</b>	<b>43%</b>	<b>47,327</b>	<b>77%</b>	<b>9,151</b>	<b>22%</b>	<b>76%</b>	<b>34%</b>

a. Examinations are administered in March and September in Puerto Rico.

## ATTORNEYS' EXAMINATIONS IN 2005

<i>Jurisdiction</i>	<i>Taking February</i>	<i>Passing February</i>	<i>Percent Passing February</i>	<i>Taking July</i>	<i>Passing July</i>	<i>Percent Passing July</i>	<i>Total Taking</i>	<i>Total Passing</i>	<i>Total Percent Passing</i>
California	376	205	55%	325	92	28%	701	297	42%
Georgia	115	97	84%	79	69	87%	194	166	86%
Maine	8	7	88%	4	4	100%	12	11	92%
Maryland	87	73	84%	90	79	88%	177	152	86%
Mississippi	1	1	100%	3	3	100%	4	4	100%
N. Mariana Islands	—	—	—	3	3	100%	3	3	100%
Rhode Island	16	14	88%	13	13	100%	29	27	93%
Utah	7	6	86%	9	8	89%	16	14	88%
<b>TOTALS</b>	<b>610</b>	<b>403</b>	<b>66%</b>	<b>526</b>	<b>271</b>	<b>52%</b>	<b>1,136</b>	<b>674</b>	<b>59%</b>

## EXAMINATIONS ADMINISTERED TO DISBARRED OR SUSPENDED ATTORNEYS AS A CONDITION OF REINSTATEMENT IN 2005

<i>Jurisdiction</i>	<i>Taking</i>	<i>Passing</i>	<i>Percent Passing</i>
Colorado	6	1	17%
Kentucky	3	2	67%
Minnesota	3	2	67%
Missouri	1	1	100%
South Carolina	7	3	43%
<b>TOTALS</b>	<b>20</b>	<b>9</b>	<b>45%</b>

## TEN-YEAR SUMMARY OF BAR PASSAGE RATES 1996-2005\*

<i>Jurisdiction</i>		1996	1997	1998	1999	2000	2001	2001	2003	2004	2005
Alabama	Overall	61%	61%	64%	58%	55%	54%	55%	58%	63%	64%
	First-Time	75%	76%	78%	74%	71%	71%	78%	77%	83%	80%
Alaska	Overall	70%	65%	67%	58%	62%	69%	54%	56%	68%	63%
	First-Time	82%	73%	74%	67%	69%	77%	57%	73%	81%	75%
Arizona	Overall	76%	79%	73%	75%	73%	72%	70%	67%	67%	67%
	First-Time	80%	83%	78%	79%	80%	79%	77%	74%	74%	72%
Arkansas	Overall	78%	66%	67%	62%	49%	73%	68%	70%	69%	70%
	First-Time	85%	75%	74%	72%	59%	82%	80%	80%	78%	78%
California	Overall	52%	58%	48%	48%	50%	50%	45%	45%	44%	46%
	First-Time	67%	72%	64%	61%	64%	66%	61%	61%	60%	62%
Colorado	Overall	76%	75%	72%	74%	73%	73%	71%	70%	65%	68%
	First-Time	87%	82%	79%	81%	80%	79%	79%	75%	73%	78%
Connecticut	Overall	79%	81%	77%	74%	70%	75%	75%	76%	73%	74%
	First-Time	85%	85%	82%	79%	76%	81%	80%	82%	81%	81%
Delaware	Overall	50%	58%	61%	56%	63%	65%	62%	64%	61%	57%
	First-Time	n/a	62%	70%	57%	69%	73%	69%	73%	67%	63%
District of Columbia	Overall	49%	56%	58%	59%	58%	59%	55%	51%	51%	51%
	First-Time	71%	77%	75%	80%	76%	69%	70%	70%	74%	69%
Florida	Overall	77%	79%	75%	72%	69%	71%	68%	67%	64%	60%
	First-Time	83%	84%	82%	80%	77%	80%	77%	76%	74%	71%
Georgia	Overall	79%	73%	70%	72%	69%	71%	70%	70%	72%	73%
	First-Time	88%	83%	81%	81%	81%	84%	83%	84%	85%	84%
Guam	Overall	63%	69%	42%	60%	35%	57%	53%	67%	53%	77%
	First-Time	71%	81%	52%	68%	44%	78%	70%	75%	67%	100%
Hawaii	Overall	69%	69%	73%	65%	66%	70%	68%	79%	66%	71%
	First-Time	72%	74%	80%	69%	75%	77%	77%	87%	74%	81%
Idaho	Overall	71%	67%	73%	72%	60%	71%	60%	70%	70%	74%
	First-Time	79%	72%	80%	74%	65%	78%	69%	78%	78%	80%
Illinois	Overall	82%	80%	76%	77%	76%	76%	72%	75%	76%	78%
	First-Time	86%	86%	81%	83%	83%	84%	81%	84%	85%	85%
Indiana	Overall	74%	90%	87%	79%	84%	76%	70%	70%	73%	75%
	First-Time	77%	92%	90%	83%	85%	81%	79%	78%	82%	84%
Iowa	Overall	75%	79%	79%	80%	81%	84%	80%	78%	80%	80%
	First-Time	80%	85%	84%	82%	86%	87%	86%	87%	87%	86%
Kansas	Overall	80%	87%	83%	85%	81%	76%	82%	78%	76%	76%
	First-Time	85%	90%	87%	88%	84%	81%	86%	83%	81%	81%
Kentucky	Overall	79%	66%	80%	78%	78%	78%	76%	70%	74%	72%
	First-Time	83%	68%	83%	83%	83%	82%	81%	76%	80%	80%

\* Most figures are derived from prior issues of THE BAR EXAMINER; jurisdictions have also provided updated information.

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## TEN-YEAR SUMMARY OF BAR PASSAGE RATES 1996-2005\*

Jurisdiction		1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Louisiana	Overall	66%	59%	62%	64%	65%	70%	67%	61%	69%	69%
	First-Time	66%	61%	62%	64%	64%	72%	65%	61%	70%	72%
Maine	Overall	72%	67%	70%	62%	59%	62%	62%	64%	63%	70%
	First-Time	80%	70%	75%	67%	60%	68%	69%	76%	71%	81%
Maryland	Overall	69%	65%	70%	65%	69%	65%	61%	62%	61%	65%
	First-Time	76%	71%	76%	72%	77%	74%	72%	72%	71%	74%
Massachusetts	Overall	74%	75%	69%	69%	68%	69%	66%	65%	73%	72%
	First-Time	81%	83%	78%	78%	77%	81%	79%	79%	84%	82%
Michigan	Overall	73%	81%	74%	68%	71%	64%	74%	67%	64%	64%
	First-Time	83%	89%	81%	77%	79%	73%	81%	75%	75%	75%
Minnesota	Overall	86%	86%	80%	81%	82%	86%	82%	85%	83%	81%
	First-Time	90%	91%	86%	88%	89%	92%	89%	91%	89%	88%
Mississippi	Overall	83%	86%	78%	82%	79%	88%	81%	86%	86%	85%
	First-Time	91%	90%	83%	82%	86%	91%	88%	92%	91%	88%
Missouri	Overall	80%	82%	79%	75%	73%	74%	73%	73%	81%	81%
	First-Time	84%	85%	84%	79%	78%	80%	81%	82%	88%	88%
Montana	Overall	94%	91%	89%	85%	88%	89%	79%	81%	79%	84%
	First-Time	94%	91%	89%	86%	89%	90%	78%	81%	83%	89%
Nebraska	Overall	90%	86%	84%	88%	81%	82%	76%	79%	77%	73%
	First-Time	94%	88%	86%	89%	85%	84%	81%	84%	86%	85%
Nevada	Overall	63%	65%	60%	64%	59%	64%	59%	61%	56%	59%
	First-Time	69%	67%	66%	69%	62%	70%	67%	65%	69%	68%
New Hampshire	Overall	69%	76%	70%	73%	66%	65%	60%	60%	56%	54%
	First-Time	73%	77%	76%	79%	71%	67%	67%	63%	63%	61%
New Jersey	Overall	70%	70%	63%	66%	63%	66%	63%	64%	69%	70%
	First-Time	77%	76%	70%	74%	72%	74%	71%	73%	78%	77%
New Mexico	Overall	85%	91%	86%	87%	86%	87%	86%	81%	79%	81%
	First-Time	91%	94%	92%	91%	89%	92%	89%	84%	85%	85%
New York	Overall	67%	66%	64%	64%	62%	65%	61%	63%	62%	62%
	First-Time	77%	77%	76%	74%	76%	76%	74%	75%	74%	74%
North Carolina	Overall	71%	75%	70%	69%	65%	68%	65%	65%	63%	64%
	First-Time	77%	83%	78%	76%	74%	79%	77%	75%	75%	71%
North Dakota	Overall	86%	84%	83%	85%	88%	91%	85%	75%	75%	83%
	First-Time	90%	85%	86%	89%	88%	94%	85%	78%	79%	90%
N. Mariana Islands	Overall	33%	78%	44%	43%	67%	55%	46%	60%	70%	100%
	First-Time	33%	57%	27%	29%	89%	71%	55%	50%	75%	100%
Ohio	Overall	86%	77%	69%	68%	67%	71%	65%	68%	67%	71%
	First-Time	90%	81%	76%	75%	75%	81%	76%	78%	80%	80%

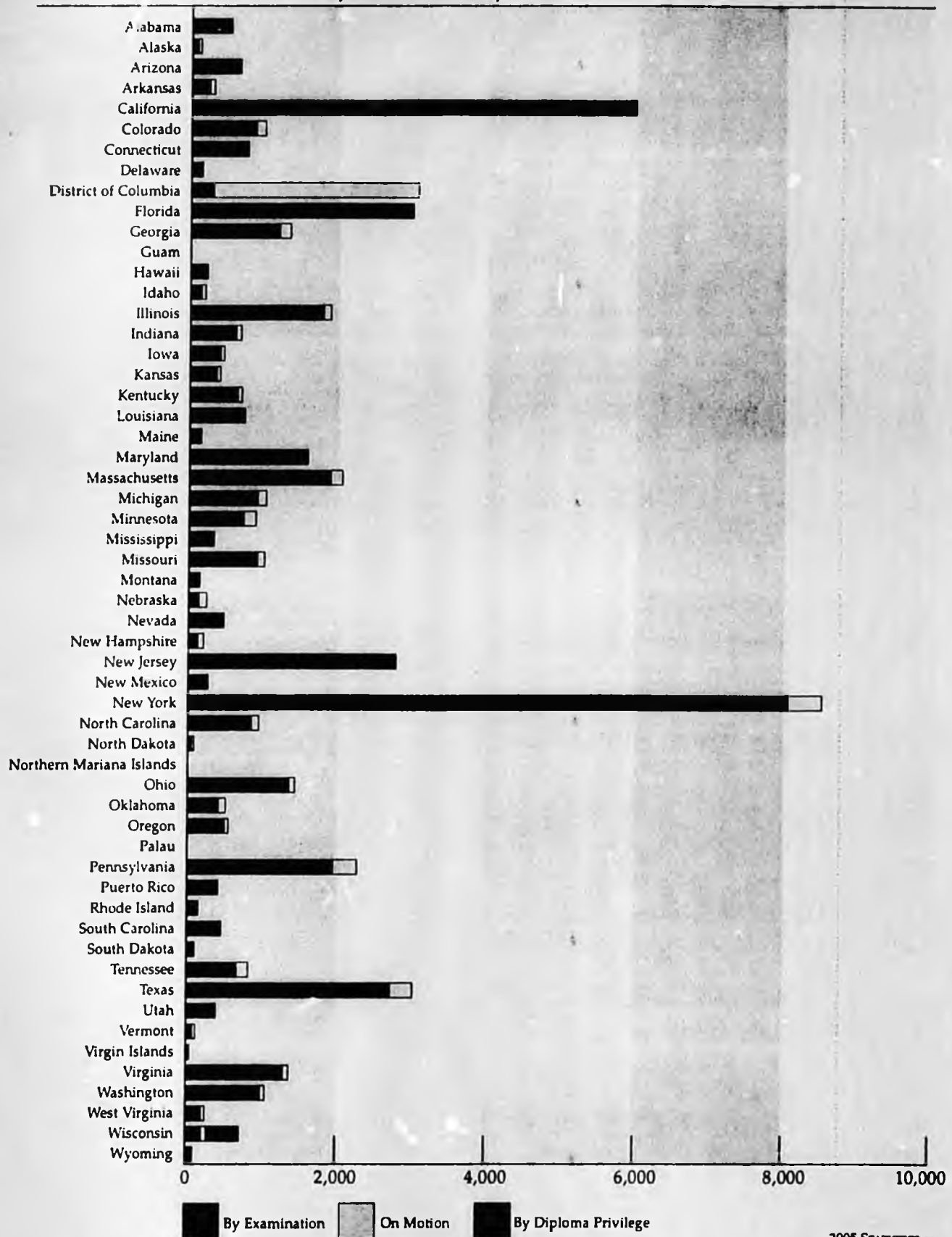
\* Most figures are derived from prior issues of THE BAR EXAMINER; jurisdictions have also provided updated information.

## TEN-YEAR SUMMARY OF BAR PASSAGE RATES 1996-2005\*

<i>Jurisdiction</i>		1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Oklahoma	Overall	78%	80%	83%	80%	76%	77%	69%	71%	73%	82%
	First-Time	85%	83%	85%	83%	80%	82%	77%	80%	83%	89%
Oregon	Overall	74%	69%	64%	64%	68%	74%	71%	72%	67%	67%
	First-Time	78%	74%	70%	70%	73%	81%	78%	79%	75%	74%
Palau	Overall	n/a	67%	n/a	40%	67%	100%	88%	67%	100%	71%
	First-Time	n/a	0%	100%	50%	71%	100%	88%	100%	100%	71%
Pennsylvania	Overall	68%	73%	66%	66%	65%	67%	65%	67%	68%	70%
	First-Time	75%	80%	75%	73%	73%	75%	76%	76%	79%	80%
Puerto Rico	Overall	56%	54%	50%	48%	48%	46%	49%	48%	47%	38%
	First-Time	67%	61%	55%	58%	60%	56%	61%	56%	54%	46%
Rhode Island	Overall	71%	69%	61%	68%	59%	74%	57%	62%	70%	65%
	First-Time	70%	67%	69%	78%	64%	82%	68%	66%	76%	71%
South Carolina	Overall	87%	84%	75%	73%	79%	82%	78%	75%	77%	80%
	First-Time	90%	86%	80%	75%	82%	87%	81%	80%	82%	85%
South Dakota	Overall	83%	88%	86%	80%	83%	92%	93%	80%	69%	72%
	First-Time	85%	90%	86%	84%	88%	95%	93%	81%	71%	83%
Tennessee	Overall	72%	72%	70%	71%	77%	75%	67%	75%	77%	74%
	First-Time	80%	79%	76%	78%	82%	81%	76%	80%	83%	80%
Texas	Overall	75%	76%	73%	75%	72%	74%	68%	72%	68%	71%
	First-Time	82%	83%	80%	81%	80%	81%	77%	81%	77%	80%
Utah	Overall	87%	93%	91%	87%	91%	90%	84%	87%	87%	86%
	First-Time	92%	93%	92%	88%	93%	94%	86%	90%	89%	90%
Vermont	Overall	70%	64%	73%	71%	65%	66%	71%	75%	75%	73%
	First-Time	83%	75%	80%	80%	73%	76%	76%	82%	83%	80%
Virgin Islands	Overall	67%	60%	n/a	88%	56%	69%	56%	58%	55%	69%
	First-Time	71%	60%	n/a	87%	59%	73%	59%	66%	76%	70%
Virginia	Overall	75%	67%	65%	68%	65%	67%	64%	65%	64%	68%
	First-Time	79%	74%	71%	73%	72%	74%	74%	73%	72%	76%
Washington	Overall	75%	75%	71%	75%	76%	72%	71%	70%	73%	71%
	First-Time	73%	74%	74%	80%	80%	77%	76%	71%	79%	77%
West Virginia	Overall	75%	78%	76%	76%	73%	68%	64%	62%	69%	64%
	First-Time	78%	84%	82%	81%	78%	68%	72%	71%	77%	71%
Wisconsin	Overall	89%	86%	84%	88%	78%	75%	74%	74%	79%	77%
	First-Time	91%	87%	88%	89%	82%	79%	78%	81%	80%	80%
Wyoming	Overall	64%	77%	68%	61%	63%	82%	66%	67%	60%	72%
	First-Time	69%	79%	69%	67%	72%	82%	67%	68%	63%	80%
AVERAGES	Overall	70%	70%	66%	66%	65%	66%	63%	64%	64%	64%
	First-Time	79%	79%	76%	75%	75%	77%	74%	75%	75%	76%

\* Most figures are derived from prior issues of THE BAR EXAMINER; jurisdictions have also provided updated information.

## 2005 ADMISSIONS TO THE BAR BY EXAMINATION, ON MOTION, AND BY DIPLOMA PRIVILEGE



11

## ADMISSIONS TO THE BAR BY JURISDICTION 2001-2005

<i>Jurisdiction</i>	<i>Admission by Examination</i>					<i>Admission on Motion</i>				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
Alabama	503	516	611	509	530	—	—	—	—	—
Alaska	74	51	78	80	83	19	24	14	30	39
Arizona	579	676	633	690	656	—	—	—	—	—
Arkansas	289	212	226	231	246	—	—	—	—	60
California	6,267	5,524	5,759	5,626	5,965	—	—	—	—	—
Colorado	756	904	790	715	865	244	139	84	94	124
Connecticut	811	806	734	691	758	31	10	25	12	—
Delaware	152	164	145	146	155	—	—	—	—	—
District of Columbia	294	347	337	337	305	2,991	2,917	2,157	2,629	2,741
Florida	2,421	2,553	2,674	2,863	2,980	—	—	—	—	—
Georgia	1,180	1,187	1,285	1,183	1,190	—	—	144	181	146
Guam	8	11	6	9	9	—	—	—	8	—
Hawaii	314	110	221	171	235	—	—	—	—	—
Idaho	171	106	136	128	154	—	61	65	66	51
Illinois	2,520	2,474	2,528	2,696	1,787	110	82	94	79	95
Indiana	544	517	528	589	618	52	49	47	71	67
Iowa	205	194	246	275	411	47	44	62	48	45
Kansas	365	499	373	378	362	—	—	—	—	44
Kentucky	525	517	392	461	644	29	33	51	54	55
Louisiana	589	539	547	707	738	—	—	—	—	—
Maine	135	151	135	178	161	—	—	—	—	—
Maryland	1,392	1,371	1,382	1,409	1,586	—	—	—	—	—
Massachusetts	2,108	2,039	1,847	1,839	1,887	163	166	182	168	163
Michigan	797	899	850	862	918	124	111	128	143	111
Minnesota	714	677	702	736	729	143	152	143	134	164
Mississippi	304	336	429	389	339	—	—	—	10	0
Missouri	835	838	876	981	917	50	62	56	87	93
Montana	134	96	119	145	155	1	1	—	—	—
Nebraska	174	192	144	157	141	96	72	102	111	105

## ADMISSIONS TO THE BAR BY JURISDICTION 2001-2005

Jurisdiction	Admission by Examination					Admission on Motion				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
Nevada	389	352	387	451	476	—	—	—	—	—
New Hampshire	148	165	124	135	131	—	—	10	98	77
New Jersey	2,706	2,365	2,762	2,663	2,781	—	—	—	—	—
New Mexico	203	223	250	241	272	—	—	—	—	—
New York	7,125	7,663	7,875	8,103	8,058	330	317	383	389	457
North Carolina	763	721	753	721	851	88	88	54	95	99
North Dakota	30	26	32	44	55	17	13	22	22	28
N. Mariana Islands	7	8	12	16	3	8	—	—	11	—
Ohio	1,243	1,134	1,303	1,270	1,356	115	94	78	49	76
Oklahoma	343	304	345	346	418	29	32	29	64	97
Oregon	534	503	514	497	504	—	93	107	77	48
Palau	5	4	2	4	5	—	—	—	—	—
Pennsylvania	1,496	1,432	1,780	1,773	1,950	240	99	195	168	324
Puerto Rico	418	427	409	519	420	—	—	—	—	—
Rhode Island	217	177	172	193	157	—	—	—	—	—
South Carolina	375	364	362	396	465	—	—	—	—	—
South Dakota	76	90	77	84	92	—	—	—	13	18
Tennessee	555	508	586	694	680	120	104	128	161	145
Texas	2,643	2,404	2,711	2,614	2,727	254	219	236	284	303
Utah	344	345	326	310	390	—	—	11	49	12
Vermont	30	66	77	65	87	32	30	24	49	37
Virgin Islands	45	26	30	16	45	—	4	5	—	—
Virginia	1,286	1,172	1,114	1,175	1,301	131	124	88	71	72
Washington	964	1,294	1,941	1,094	1,000	320	200	257	241	60
West Virginia	187	199	208	235	214	41	50	48	51	47
Wisconsin	224	234	200	211	217	80	76	85	66	69
Wyoming	59	60	66	76	89	6	10	17	26	9
<b>TOTALS</b>	<b>47,575</b>	<b>46,772</b>	<b>49,151</b>	<b>49,127</b>	<b>50,268</b>	<b>5,911</b>	<b>5,506</b>	<b>5,131</b>	<b>5,909</b>	<b>6,081</b>

## ADMISSIONS TO THE BAR BY JURISDICTION 2001-2005

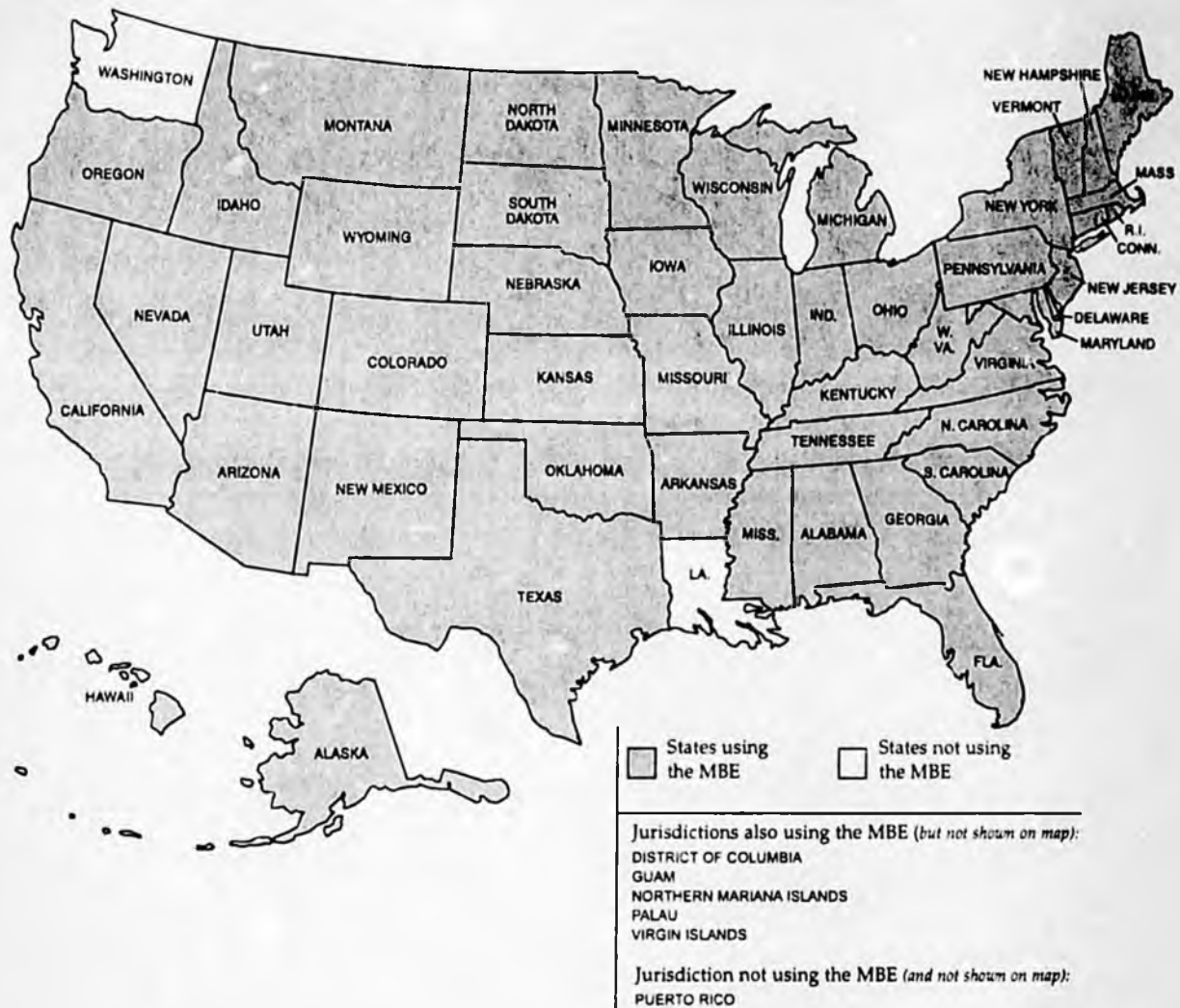
<i>Jurisdiction</i>	<i>Admission as Foreign Legal Consultants</i>					<i>Admission by Diploma Privilege</i>				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
Arizona	—	—	4	—	1	—	—	—	—	—
California	21	—	34	32	3	—	—	—	—	—
District of Columbia	11	11	15	9	9	—	—	—	—	—
Florida	23	26	29	31	30	—	—	—	—	—
Georgia	—	2	3	3	—	—	—	—	—	—
Illinois	1	—	3	1	1	—	—	—	—	—
Massachusetts	—	—	1	1	1	—	—	—	—	—
Michigan	2	—	1	—	1	—	—	—	—	—
Minnesota	—	—	1	—	—	—	—	—	—	—
New Jersey	3	1	1	1	—	—	—	—	—	—
New York	14	19	23	14	7	—	—	—	—	—
Ohio	2	—	1	2	1	—	—	—	—	—
Texas	—	1	—	3	4	—	—	—	—	—
Utah	1	—	—	—	—	—	—	—	—	—
Washington	—	—	—	—	1	—	—	—	—	—
Wisconsin	—	—	—	—	—	422	463	425	412	436
<b>TOTALS</b>	<b>78</b>	<b>60</b>	<b>116</b>	<b>97</b>	<b>59</b>	<b>422</b>	<b>463</b>	<b>425</b>	<b>412</b>	<b>436</b>

## MULTISTATE BAR EXAMINATION STATISTICS

The National Conference of Bar Examiners has produced the Multistate Bar Examination (MBE) since 1972. In 2005, the MBE was used in 53 jurisdictions.

The MBE is a 200-item multiple-choice examination covering constitutional law, contracts, criminal law and procedure, evidence, real property, and torts. Both raw and scaled scores are computed for each applicant. Raw scores on different forms of the test are not comparable due to differences in the difficulty of test forms. Scaled scores are produced by a statistical procedure called equating that involves repeating items from previous examinations. A comparison of the performance of the current applicant population on the repeated items to performance of the prior applicant group allows conclusions to be drawn about the relative difficulty of the new items on the exam, and test scores are adjusted accordingly. Scaled scores are comparable across administrations of the examination.

### JURISDICTIONS USING THE MULTISTATE BAR EXAMINATION IN 2005



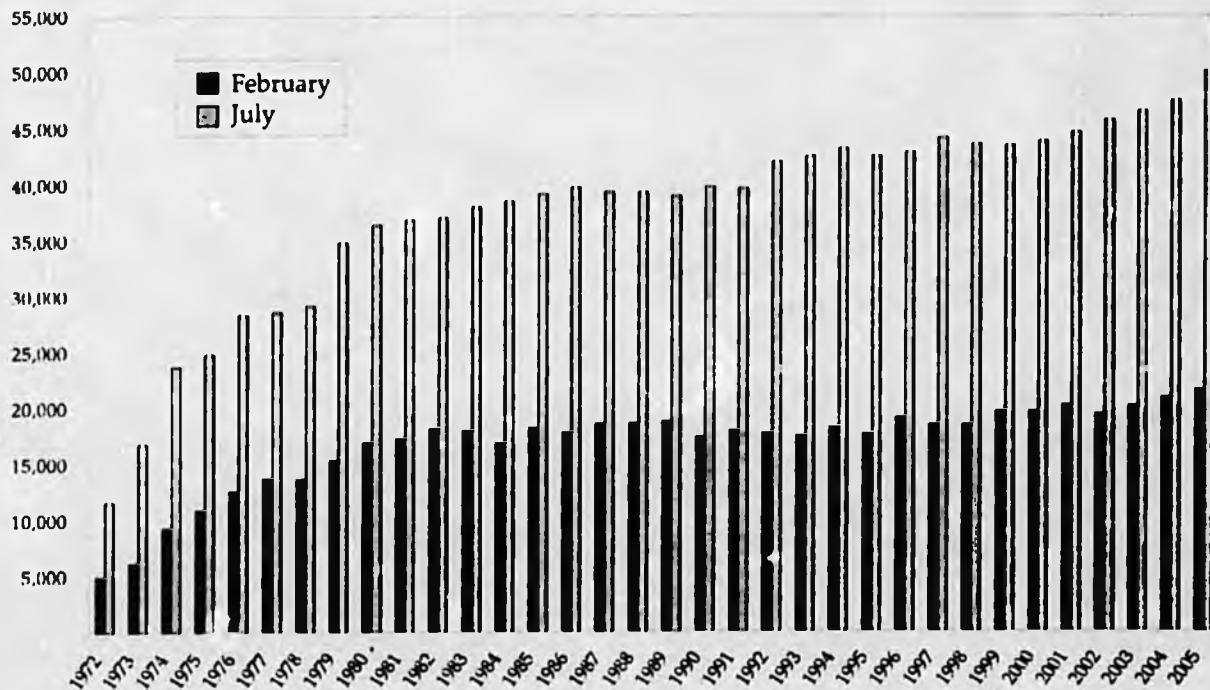
## MBE SUMMARY STATISTICS\*

February 2005			July 2005		
Total Scores			Total Scores		
21,265 Applicants	Total Raw	Total Scaled	49,998 Applicants	Total Raw	Total Scaled
Mean	120.10	137.67	Mean	132.07	141.61
Standard Deviation	17.93	15.65	Standard Deviation	19.63	15.87
Maximum	178	183	Maximum	190	190
Minimum	46	78	Minimum	41	72
Median	120	138	Median	133	142

## NUMBER OF APPLICANTS TAKING THE MBE\*

	February			July				February			July		
	February	July	Total	February	July	Total		February	July	Total	February	July	Total
1972	4,955	11,672	16,627	1984	16,938	38,511	55,449	1996	19,054	42,811	61,865		
1973	6,182	16,826	23,008	1985	18,303	39,149	57,452	1997	18,468	44,128	62,596		
1974	9,316	23,728	33,044	1986	17,825	39,774	57,599	1998	18,475	43,540	62,015		
1975	10,963	24,835	35,798	1987	18,606	39,335	57,941	1999	19,646	43,417	63,063		
1976	12,610	28,381	40,991	1988	18,610	39,284	57,894	2000	19,673	43,791	63,464		
1977	13,738	28,608	42,346	1989	18,821	38,900	57,721	2001	20,288	44,637	64,925		
1978	13,715	29,171	42,886	1990	17,382	39,750	57,132	2002	19,399	45,732	65,131		
1979	15,341	34,818	50,159	1991	17,954	39,621	57,575	2003	20,204	46,486	66,690		
1980	16,948	36,368	53,316	1992	17,755	42,064	59,819	2004	20,946	47,433	68,379		
1981	17,289	36,846	54,135	1993	17,497	42,505	60,002	2005	21,625	49,998	71,623		
1982	18,150	36,995	55,145	1994	18,267	43,127	61,394						
1983	17,964	38,034	55,998	1995	17,605	42,498	60,103						

## APPLICANTS PER YEAR\*



\*The current-year statistics do not reflect data from hand-scored answer sheets; in each administration of the MBE, an insignificant number of answer sheets are hand scored for various reasons. Statistics for administrations before 2000 may include those for applicants with hand-scored answer sheets.

## NATIONAL MEAN SCALED SCORES FOR THE MBE\*

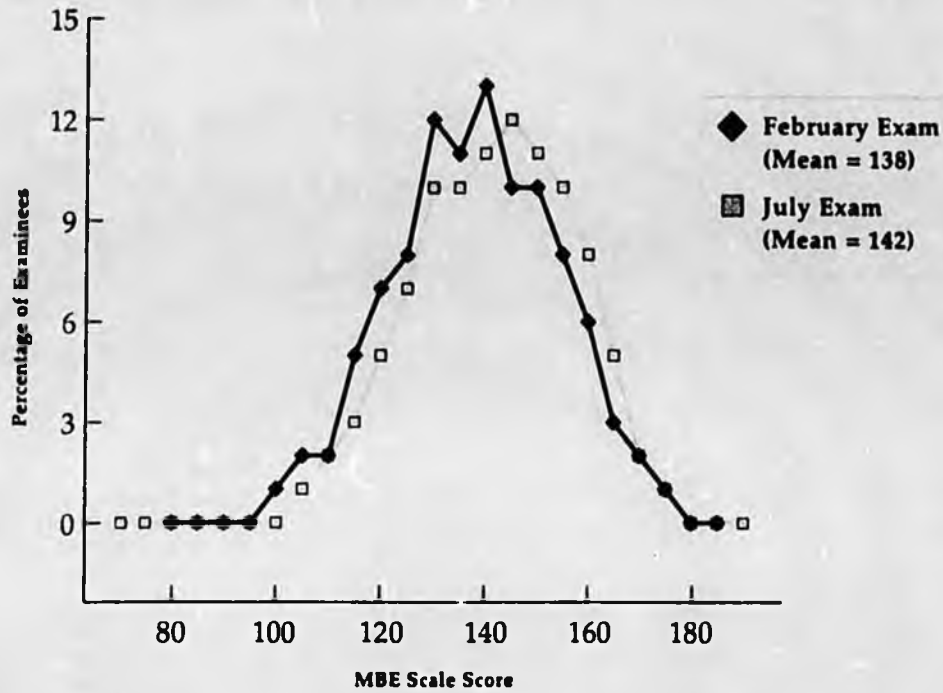
	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
February	134.3	135.8	134.8	134.2	135.1	136.4	135.5	136.4	137.2	137.8	135.9	137.5	139.0	138.7	139.3
July	140.6	140.8	139.7	141.5	139.2	140.6	140.3	140.3	139.8	142.0	141.4	141.1	142.9	142.8	145.2

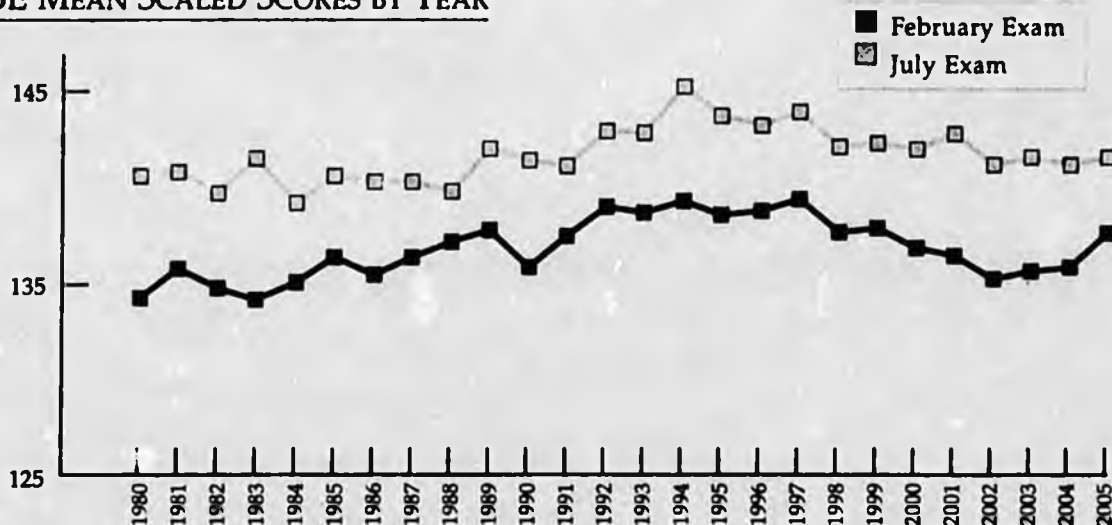
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
February	138.6	138.8	139.4	137.7	137.9	136.9	136.5	135.3	135.7	135.9	137.7
July	143.7	143.2	143.9	142.1	142.3	142.0	142.8	141.2	141.6	141.2	141.6

\*The current-year statistics do not reflect data from hand-scored answer sheets; in each administration of the MBE, an insignificant number of answer sheets are hand scored for various reasons. Statistics for administrations before 2000 may include those for applicants with hand-scored answer sheets.

## 2005 MBE SCORE DISTRIBUTIONS\*



## MBE MEAN SCALED SCORES BY YEAR



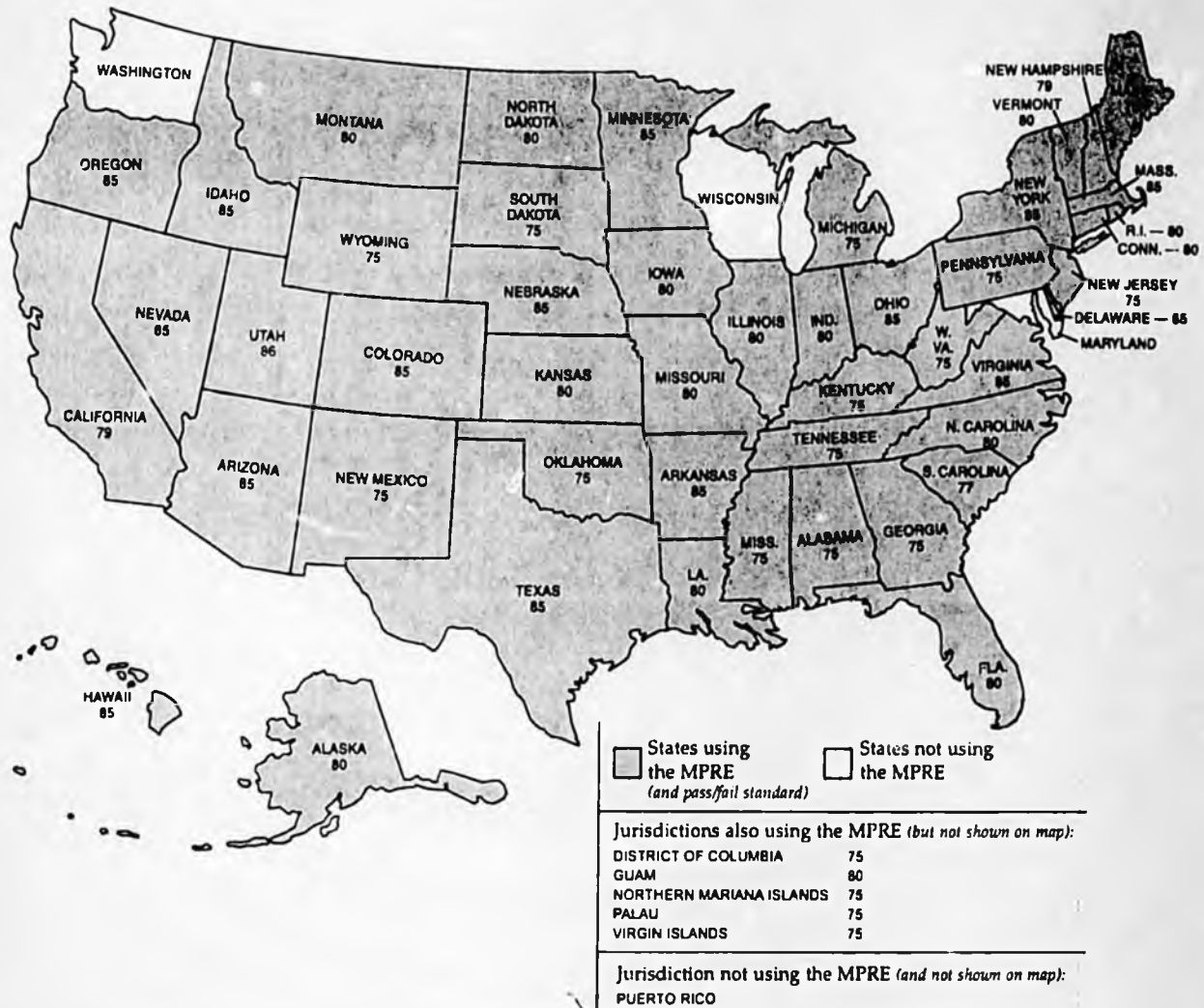
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## MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION STATISTICS

The National Conference of Bar Examiners has administered the Multistate Professional Responsibility Examination (MPRE) since 1980. In 2005, the MPRE was used in 52 jurisdictions.

The MPRE consists of 60 multiple-choice questions. Both raw and scaled scores are computed for each examinee. Raw scores on different forms of the test are not comparable due to differences in the difficulty of test forms. Scaled scores are produced by a statistical procedure called equating that involves repeating items from previous examinations. A comparison of the performance of the current examinee population on the repeated items to performance of the prior examinee group allows conclusions to be drawn about the relative difficulty of the new items on the exam, and test scores are adjusted accordingly. Scaled scores are produced on a range of 50 to 150 and are comparable across administrations of the examination.

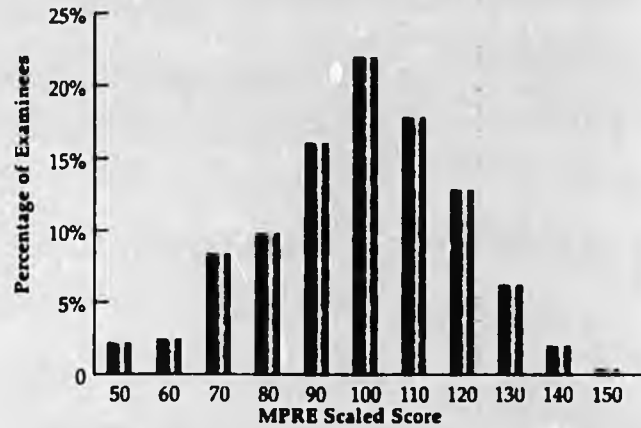
### JURISDICTIONS USING THE MPRE IN 2005 WITH PASS/FAIL STANDARD INDICATED



## 2005 MPRE SCORE DISTRIBUTIONS

### 2005 MPRE INFORMATION

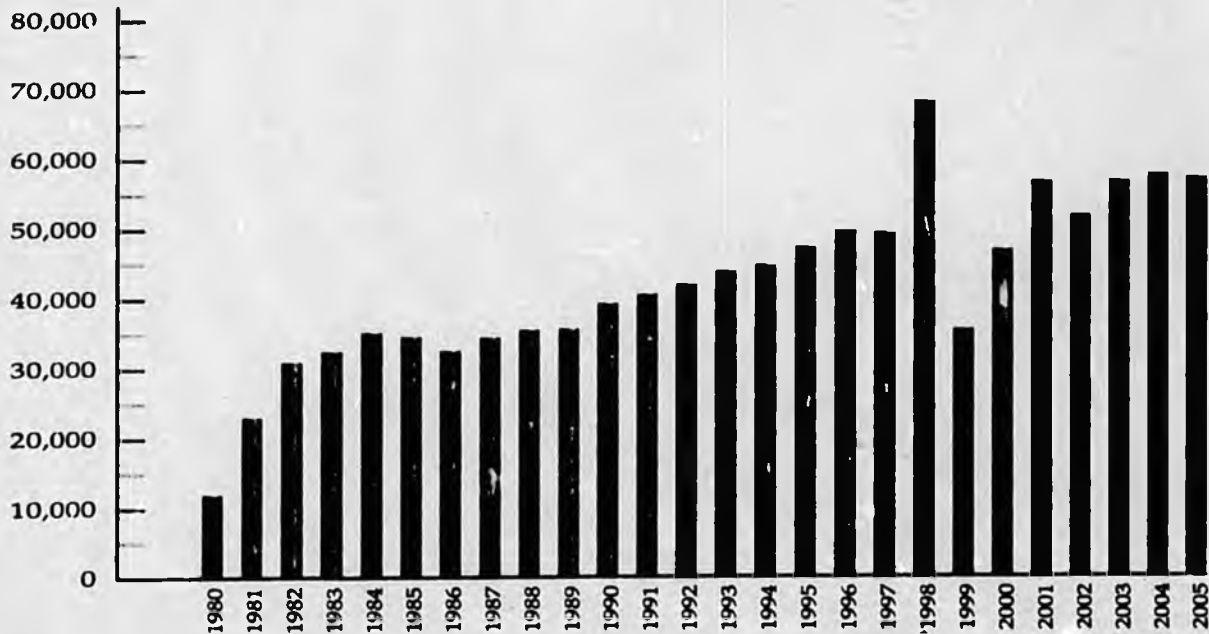
	March	August	November	2005 Total
Number of Examinees	19,869	15,703	21,725	57,297
Mean Scaled Score	93.31	98.04	99.60	98.72
Standard Deviation	19.65	19.66	19.79	19.72
Maximum	150	150	150	150
Minimum	50	50	50	50



### NUMBER OF APPLICANTS TAKING THE MPRE

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
Number of Examinees	11,913	22,982	30,902	32,402	35,113	34,507	32,456	34,358	35,440	35,532	39,192	40,448	41,884	43,782	44,664	47,213
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005						
Number of Examinees	49,680	49,348	68,230*	35,444	46,864	56,713	51,825	56,854	57,829	57,297						

### APPLICANTS PER YEAR



\*In November 1998, almost twice the usual number of examinees took the MPRE. This record number is likely attributable to anticipation of a change to the test specifications that became effective in March 1999.





From Devon Richardson <richardsond@alaskabar.org>  
Sent Friday, May 11, 2007 10:20 am  
To Deborah O'Regan <oregan@Alaskabar.org>  
Subject results of February 2007 Bar Exam

**Successful Applicants for the February 2007 Alaska Bar Exam:**

- Emily Anderson
- Nicholas Bajwa
- Robert Campbell
- Joseph Dallaire
- Olena K. Davis
- Renner Jo Eberlein
- Daniel M. Garcia
- Serena S. Green
- Laura S. Hartz
- Devoron Hill
- Chad Hutchison
- Julia R. Meier
- David A. Monroe
- Lauri J. Owen
- Seth L. Partnow
- Sara K. Peterson
- Michele Powdrill
- Gabriel M. Quinnan
- Zachary Renfro
- Timna Sites
- Thomas Smith
- Deborah Stojak
- Ryan A. Stuart
- Michelle Tschumper
- Regan L. Williams
- Tracey Wollenberg

**Total Number of Applicants: 54**  
**Overall Pass Rate: 48%**  
**Number of 1<sup>st</sup> Time Takers: 24**  
**1<sup>st</sup> Time Takers Pass Rate: 71%**

a

**Devon Richardson**  
**Admissions Assistant**  
**Alaska Bar Association**

b

Devon Richardson <richardson@alaskabar.org>

Friday, May 11, 2007 10:20 am

Deborah O'Regan <oregan@Alaskabar.org>

Subject: results of February 2007 Bar Exam

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Ryan A. Stuart  
Michelle Tschumper  
Regan L. Williams  
Tracey Wollenberg

**Total Number of Applicants taking February, 2007 Alaska Bar Exam: 54**

**Overall Pass Rate: 48% =26/54**

Number of 1<sup>st</sup> Time Takers: 24

Number of 1<sup>st</sup> Time Takers passing: 17

1<sup>st</sup> Time Takers Pass Rate as % of 1<sup>st</sup> Time Takers: 71% =17/24

1<sup>st</sup> Time Takers Pass Rate as % of total Takers: 31% = 17/54

Number of Repeaters: 30= (54-24)

Number of Repeaters passing: 9 = (26-17)

Repeaters Pass Rate as % of Repeaters: 30% (9/30)

Repeaters Pass Rate as % of total Takers: 17%

Out-of-state Takers number and pass rate unavailable until after admission

Devon Richardson  
Admissions Assistant  
Alaska Bar Association

RTK ✓

C

**HB**

**25**

# Alaska State Legislature

**Senator Hollis French, Chair**  
State Capitol, Room 417  
Juneau, Alaska 99801  
Phone: (907) 465-3892  
Fax: (907) 465-6595



**Committee Members:**  
Senator Charlie Huggins  
Senator Bill Wielechowski  
Senator Lesil McGuire  
Senator Gene Therriault

## Senate Judiciary Committee

April 7, 2008

### Letter of Intent

It is the intent of the legislature that the public be provided with this sample language for drafting an easement to the public.

A public recreational easement under AS 34.17.100 may be in a form substantially similar to the following:

The grantor, (here insert the name or names and place of residence), grants a public recreational use easement to the public under AS.37.14.100 in the following described real estate (here insert description), located in the State of Alaska, for the purpose of making the described real estate available to the public for recreational use. Dated this \_\_\_ day of \_\_\_, 20\_\_.

A public recreational use easement under AS 34.17.100 may include other terms relating to the easement, including terms of restriction, condition, reservation, duration, or termination of the easement.

A deed substantially in the form set above, where otherwise legally executed and recorded, is considered sufficient to create a public recreational use easement to the public at large under AS 37.14.100.

A handwritten signature in black ink, appearing to read "Hollis French".

Senator Hollis French  
Chair

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 1, 2008

**SUBJECT:** Fees for recording recreational use easement; title change for amendment in the second house (HB 25, Work Order No. 25-LS0174A)

**TO:** Senator Hollis French  
Attn: Cindy Smith

**FROM:** Dennis C. Bailey   
Legislative Counsel

Enclosed is the amendment prohibiting recording fees for recording recreational use easements. The amendment requires a title change. Therefore, a concurrent resolution to waive the uniform rules against a title change in the second house will be required if the amendment is adopted. Please let me know if you would like me to draft a resolution.

If I may be of further assistance, please advise.

DCB:ljw  
08-193.ljw

Enclosure

**Cindy Smith**

**From:** Backus, Vicky A (DNR) [vicky.backus@alaska.gov]  
**Sent:** Tuesday, April 01, 2008 7:06 AM  
**To:** Lesh, Melanie G (DNR); Cindy Smith  
**Subject:** RE: HB 25 and recording the

Cindy and Melanie,

There are currently only two recording fee exemptions. One is for the recording of military discharge documents (form DD-214) which we try to discourage because of the personal information they contain; and the second is for the recording of state business documents. If a state agency, in the course of doing business, submits a document for recording and it states "State Business No Charge", the document will be recorded with no fee being charged.

Please let me know if you require any additional information on this.

**Vicky Backus**

State Recorder  
State of Alaska  
Department of Natural Resources  
907-269-8882 - phone  
907-269-8912 - fax  
vicky.backus@alaska.gov

---

**From:** Lesh, Melanie G (DNR)  
**Sent:** Monday, March 31, 2008 11:17 AM  
**To:** Smith, Cindy (LAA)  
**Cc:** Backus, Vicky A (DNR); Lesh, Melanie G (DNR)  
**Subject:** HB 25 and recording the

Hi Cindy,

The Recorder's office fees are set by Regulation, under AS 40.17 statutory authority.  
<http://www/ssd/recoff/fees.cfm>  
There's a RSS account for fees.

It would *appear* that HB 25 would need to contain an exemption from this fee....for recording the document that related to the release of landowner liability and immunity for allowing use of land without charge for a recreational activity. My last question would be whether we allow exemptions currently... such as for Veterans... Vicky Backus the State Recorder can respond tomorrow about that.

**RECORDING FEES A.S. 40.17.030(a); 11 AAC 05.010 (a)(14)**

New Fee Schedule: Effective January 14, 2004 Make checks payable to: **Department of Natural Resources**

- |  |                |
|--|----------------|
| <b>A.</b> For recording all documents: first page* or fraction thereof | <b>\$20.00</b> |
| <b>B.</b> Each additional page or fraction thereof (same instrument)   | <b>5.00</b>    |
| <b>C.</b> For indexing each name or claim name over six                | <b>2.00</b>    |
| <b>D.</b> For recording Plats or Surveys                               |                |
| • First sheet  | <b>20.00</b>   |

	5.00
ii. Each additional sheet same plat (Affidavits, tax status, etc. submitted with initial filing of Plat = No Charge)	
E. Certification fee, per document	5.00
F. For conforming a copy of any recorded instrument at time of recording**	2.00
G. For copying any document by photocopy process	
• First page or fraction thereof	1.25
	0.25
ii. Each additional page or fraction thereof (same instrument)	
H. Copy of plats from microfiche, each sheet	3.00
I. Copy of plats, full scale on paper, each sheet	3.00
J. Copy of plats, full scale on mylar, each sheet	6.00
K. Images of documents on CD-ROM. <u>Contact us</u> for availability and current fees.	
* Reference to "page" means one side of sheet; double sided sheets are two pages. ** At the time of recording, a conformed copy is \$2.00 – Any copy made after that time will be charged \$1.25 for the first page and \$0.25 for each additional page of same document. Revised 12/2001	

January 30, 2008

**Melanie G. Lesh**  
 Legislative Liaison  
 Dept. of Natural Resources  
 400 W. Willoughby  
 Juneau, Alaska 99801  
 907-465-4730

**Cindy Smith**

**From:** Lesh, Melanie G (DNR) [melanie.lesh@alaska.gov]  
**Sent:** Monday, March 31, 2008 11:17 AM  
**To:** Cindy Smith  
**Cc:** Backus, Vicky A (DNR); Lesh, Melanie G (DNR)  
**Subject:** HB 25 and recording the

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• First page or fraction thereof	1.25
	0.25
ii. Each additional page or fraction thereof (same instrument)	
<b>H. Copy of plats from microfiche, each sheet</b>	<b>3.00</b>
<b>I. Copy of plats, full scale on paper, each sheet</b>	<b>3.00</b>
<b>J. Copy of plats, full scale on mylar, each sheet</b>	<b>6.00</b>

**K. Images of documents on CD-ROM. Contact us for availability and current fees.**

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Legislative Liaison  
Dept. of Natural Resources  
400 W. Willoughby  
Juneau, Alaska 99801  
907-465-4730

**AMENDMENT**

OFFERED IN THE SENATE

TO: HB 25

1 Page 3, line 3:

2 Delete "improved or"

3

4 Page 3, following line 3:

5 Insert new material to read:

6 "(B) improved land, exclusive of buildings, structures,  
7 machinery, or equipment on the land;"

8

9 Reletter the following subparagraphs accordingly.

10

11 Page 3, lines 7 - 8:

12 Delete all material.

**AMENDMENT**

**OFFERED IN THE SENATE**

**TO: HB 25**

- 1 Page 2, line 3:
- 2 Delete "any"
- 3 Insert "an unknown"
- 4 Delete ", known or unknown, apparent or hidden"

**AMENDMENT**

OFFERED IN THE SENATE

TO: HB 25

- 1 Page 2, line 3:
- 2 Delete "any"
- 3 Insert "an unknown"
- 4 Delete ", known or unknown, apparent or hidden"

**AMENDMENT**

OFFERED IN THE SENATE

TO: HB 25

1 Page 1, line 4, following "claims;":

2 Insert "prohibiting fees for recording public recreational use easements;"

3

4 Page 1, line 9:

5 Delete "directly or indirectly"

6

7 Page 2, following line 9:

8 Insert a new subsection to read:

9 "(b) This section applies only if a landowner allows recreational use by  
10 recording the grant of a public recreational use easement to the public at large in the  
11 recorder's office for the recording district where the land affected by the easement is  
12 located. The grant of the easement must be in a form suitable to transfer an interest in  
13 land and in a form meeting the formal requisites for recording in AS 40.17.030. The  
14 easement must identify the land affected, must set out restrictions, conditions, or  
15 reservations affecting the easement, including terms addressing duration or  
16 termination of the easement, if any, and must state that the purpose of the easement is  
17 to make the land available for public recreational activity. The easement granted under  
18 this subsection may be a conservation easement under AS 34.17 (Uniform  
19 Conservation Easement Act)."

20

21 Reletter the following subsections accordingly.

22

23 Page 3, following line 16:

1           **Insert new bill sections to read:**

2           **\*\* Sec. 2. AS 40.17.030(a) is amended to read:**

3                   (a) Except as provided in **(b), (c), and (e)** [(b) AND (c)] of this section, to be  
4           eligible for recording, a document must

5                               (1) contain original signatures;

6                               (2) be legible or capable of being converted into legible form by a  
7           machine or device used in the recording office;

8                               (3) be capable of being copied by the method used in the recording  
9           office;

10                              (4) contain a title reflecting the overall intent of the document;

11                              (5) contain the information needed to index the document under  
12           regulations of the department;

13                              (6) contain a book and page reference or serial number reference if the  
14           document amends, corrects, extends, modifies, assigns, or releases a document  
15           previously recorded in this state;

16                              (7) contain the name and address of the person to whom the document  
17           is to be returned after recording;

18                              (8) if it is a deed, contain the mailing addresses of all persons named in  
19           the document who grant or acquire an interest under the document;

20                              (9) be accompanied by or contain the name of the recording district in  
21           which it is to be recorded; and

22                              (10) be accompanied by the applicable recording fee set by regulation;  
23           if the document is to be recorded for multiple purposes, it must be accompanied by the  
24           applicable fee for each of the multiple purposes.

25           **\* Sec. 3. AS 40.17.030 is amended by adding a new subsection to read:**

26                              (e) A recording fee may not be charged to record a public recreational use  
27           easement under AS 09.65.202(b), and, notwithstanding (a)(10) of this section, the  
28           easement shall be eligible for recording."

29

30           **Renumber the following section accordingly.**

11 of 22 DOCUMENTS

**Henry G. STORRS, Appellant, v. LUTHERAN HOSPITALS AND HOMES SOCIETY OF AMERICA, INC., d/b/a Fairbanks Memorial Hospital, Appellee**

No. 6345

Supreme Court of Alaska

661 P.2d 632; 1983 Alas. LEXIS 405

April 1, 1983

**PRIOR HISTORY: [\*\*1]**

Appeal from the Superior Court of the State of Alaska, Fourth Judicial District, Fairbanks, Gerald J. Van Hoo-missen, Judge.

**COUNSEL:**

A. Lee Petersen, Anchorage, for Appellant.

Jennings, Strouss & Salmon, Inc., Phoenix, and David H. Call, Call, DeWitt, Barrett & Burbank, Fairbanks, for Appellee.

**JUDGES:**

Burke, Chief Justice, Rabinowitz, Matthews and Compton, Justices. Connor, Justice, not participating.

**OPINION BY:**

MATTHEWS

**OPINION:**

[\*633] In our prior decision in this matter, *Storrs v. Lutheran Hospitals and Homes Society of America, Inc.*, 609 P.2d 24 (Alaska 1980), we held that the appellee had not applied the by-law standard of "proven gross negligence" [\*634] in suspending appellant's hospital privileges. We remanded for application of this standard. The Judicial Review Committee (JRC) of the appellee decided that the suspension of Dr. Storrs was justified, based on his handling of a liver biopsy. The JRC determined that Dr. Storrs' handling of that procedure constituted "proven gross negligence." This decision was made on the evidence previously submitted. Dr. Storrs appealed to the Appellate Review Committee of appellee and, upon rejection of his appeal there, to the [\*\*2] superior court, which affirmed the suspension.

Dr. Storrs' first contention is that the JRC used an incorrect **definition of gross negligence**. The definition the JRC adopted is as follows:

In performing professional services for a patient a physician or surgeon has the duty to have that degree of learning and skill ordinarily possessed by reasonable physicians and surgeons practicing in the same or a similar locality and under similar circumstances.

It is his further duty to use the care and skill ordinarily exercised in like cases by reasonable members of his profession practicing in the same or a similar locality under similar circumstances, and to use reasonable diligence and his best judgment in the exercise of his skill and the application of his learning, in an effort to accomplish the purpose for which he is employed.

A failure to perform any such duty is negligence.

Gross negligence requires a choice of a course of action either with knowledge of serious danger to patients involved in it or with knowledge of facts which would disclose this danger to any reasonable physician. Gross negligence involves a risk substantially greater in amount than that which is necessary [\*\*3] to make conduct negligent.

"Proven gross negligence" is gross negligence proven by a preponderance of the evidence. By a preponderance of the evidence is meant such evidence as when weighed by that opposed to it has more

convincing force and the greater probability of truth.

In our view this definition was satisfactory. It clearly conveyed the idea that a major departure from the standard of care was required. See W. Prosser, *Torts* 182-84 (4th ed. 1971). In fact, since the definition requires a choice of a course of action either with knowledge of serious danger or with knowledge of facts which would disclose this danger the definition meets the stricter standard of recklessness. See *Restatement (Second) of Torts* § 500 (1966), especially comment g. n1

n1 The reason for this may be that in *Leavitt v. Gillaspie*, 443 P.2d 61 (Alaska 1968), we equated, without discussion, gross negligence with "willful, wanton or reckless misconduct." This is not standard usage. "Most courts consider that 'gross negligence' falls short of a reckless disregard of consequences, and differs from ordinary negligence only in degree, and not in kind. There is, in short, no generally accepted meaning; but the probability is, when the phrase is used, that it signifies more than ordinary inadvertence or inattention, but less than conscious indifference to consequences; and that it is, in other words, merely an extreme departure from the ordinary standard of care." W. Prosser, *Torts*, 183-84 (4th ed. 1971). In *Leavitt* the issue was whether an instruction that contributory negligence was not a defense to aggravated conduct on the part of the defendant should have been given. When contributory negligence was the rule, a defendant's gross negligence, as that term is commonly understood, did not negate the defense of contributory negligence, while willful, wanton or reckless conduct did. Prosser, *supra*, at 426. Thus, in context the court in *Leavitt* did not err in defining gross negligence in recklessness terms. However, that does not mean that the two concepts are identical for, in theory at least, they are not.

[\*\*4]

Dr. Storrs' second point is that the record does not contain substantial evidence of gross negligence. The Judicial Review Committee found that gross negligence existed with respect to the liver biopsy "as manifested by

failure to recognize promptly a life threatening condition (hemorrhagic shock), failure to institute basic, appropriate, and timely treatment and failure to assume responsibility to expedite treatment of shock." These conclusions were amply and explicitly supported by testimony.

[\*635] Dr. Storrs next argues that it is unreasonable, arbitrary and capricious to revoke hospital privileges on the basis of merely one case. We disagree. A hospital's duty to the public it serves may well justify it in terminating the privileges of a physician who has been grossly negligent on one occasion. This may be especially appropriate where, as here, the physician's gross negligence was committed in connection with the treatment of a common condition. In *Suckle v. Madison General Hospital*, 362 F. Supp. 1196, 1214 (W.D. Wis. 1973), *aff'd*, 499 F.2d 1364 (7th Cir. 1974), the court noted that a "single case in which a physician performs badly may be a constitutionally [\*\*5] adequate basis for non-renewal of staff membership." If a hospital does not revoke staff privileges, or take some similar action, after a case of proven gross negligence it risks exposing itself to liability for similar future episodes. *Purcell v. Zimbelman*, 18 Ariz. App. 75, 500 P.2d 335 (Ariz. App. 1972); *Ferguson v. Gonyaw*, 64 Mich. App. 685, 236 N.W.2d 543, 550 (Mich. App. 1975); *Bost v. Riley*, 44 N.C. App. 638, 262 S.E.2d 391 (N.C. App. 1980), petition denied, 300 N.C. 194, 269 S.E.2d 621 (N.C. 1980); *Johnson v. Misericordia Community Hospital*, 99 Wis. 2d 708, 301 N.W.2d 156 (Wis. 1981).

Dr. Storrs' last contention is that the refusal of the JRC to reopen the record for new evidence violated his right to procedural due process. In our prior order of remand we held that the JRC "may base its decision on the evidence previously submitted or, in its discretion may reopen the proceedings for new evidence." The JRC did not abuse its discretion in refusing to reopen the proceedings. Dr. Storrs himself requested that the evidentiary hearing be held on an expedited basis. There is no suggestion in the record that Dr. Storrs believed that the evidentiary hearing would [\*6] be a preliminary one and that additional evidence could be presented later. Further, Dr. Storrs was not precluded from presenting evidence favorable to his case at that hearing.

AFFIRMED.

Connor, Justice, not participating.

11 of 22 DOCUMENTS

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failure to recognize promptly a life threatening condition (hemorrhagic shock), failure to institute basic, appropriate, and timely treatment and failure to assume responsibility to expedite treatment of shock." These conclusions were amply and explicitly supported by testimony.

[\*635] Dr. Storrs next argues that it is unreasonable, arbitrary and capricious to revoke hospital privileges on the basis of merely one case. We disagree. A hospital's duty to the public it serves may well justify it in terminating the privileges of a physician who has been grossly negligent on one occasion. This may be especially appropriate where, as here, the physician's gross negligence was committed in connection with the treatment of a common condition. In *Suckle v. Madison General Hospital*, 362 F. Supp. 1196, 1214 (W.D. Wis. 1973), *aff'd*, 499 F.2d 1364 (7th Cir. 1974), the court noted that a "single case in which a physician performs badly may be a constitutionally [\*\*5] adequate basis for non-renewal of staff membership." If a hospital does not revoke staff privileges, or take some similar action, after a case of proven gross negligence it risks exposing itself to liability for similar future episodes. *Purcell v. Zimbelman*, 18 Ariz. App. 75, 500 P.2d 335 (Ariz. App. 1972); *Ferguson v. Gonyaw*, 64 Mich. App. 685, 236 N.W.2d 543, 550 (Mich. App. 1975); *Bost v. Riley*, 44 N.C. App. 638, 262 S.E.2d 391 (N.C. App. 1980), petition denied, 300 N.C. 194, 269 S.E.2d 621 (N.C. 1980); *Johnson v. Misericordia Community Hospital*, 99 Wis. 2d 708, 301 N.W.2d 156 (Wis. 1981).

Dr. Storrs' last contention is that the refusal of the JRC to reopen the record for new evidence violated his right to procedural due process. In our prior order of remand we held that the JRC "may base its decision on the evidence previously submitted or, in its discretion may reopen the proceedings for new evidence." The JRC did not abuse its discretion in refusing to reopen the proceedings. Dr. Storrs himself requested that the evidentiary hearing be held on an expedited basis. There is no suggestion in the record that Dr. Storrs believed that the evidentiary hearing would [\*\*6] be a preliminary one and that additional evidence could be presented later. Further, Dr. Storrs was not precluded from presenting evidence favorable to his case at that hearing.

AFFIRMED.

Connor, Justice, not participating.

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**Henry G. STORRS, Appellant, v. LUTHERAN HOSPITALS AND HOMES SOCIETY OF AMERICA, INC., d/b/a Fairbanks Memorial Hospital, Appellee**

No. 6345

Supreme Court of Alaska

661 P.2d 632; 1983 Alas. LEXIS 405

April 1, 1983

**PRIOR HISTORY: [\*\*1]**

Appeal from the Superior Court of the State of Alaska, Fourth Judicial District, Fairbanks, Gerald J. Van Hoo-missen, Judge.

**COUNSEL:**

A. Lee Petersen, Anchorage, for Appellant.

Jennings, Strouss & Salmon, Inc., Phoenix, and David H. Call, Call, DeWitt, Barrett & Burbank, Fairbanks, for Appellee.

**JUDGES:**

Burke, Chief Justice, Rabinowitz, Matthews and Compton, Justices. Connor, Justice, not participating.

**OPINION BY:**

MATTHEWS

**OPINION:**

[\*633] In our prior decision in this matter, *Storrs v. Lutheran Hospitals and Homes Society of America, Inc.*, 609 P.2d 24 (Alaska 1980), we held that the appellee had not applied the by-law standard of "proven gross negligence" [\*634] in suspending appellant's hospital privileges. We remanded for application of this standard. The Judicial Review Committee (JRC) of the appellee decided that the suspension of Dr. Storrs was justified, based on his handling of a liver biopsy. The JRC determined that Dr. Storrs' handling of that procedure constituted "proven gross negligence." This decision was made on the evidence previously submitted. Dr. Storrs appealed to the Appellate Review Committee of appellee and, upon rejection of his appeal there, to the [\*\*2] superior court, which affirmed the suspension.

Dr. Storrs' first contention is that the JRC used an incorrect definition of gross negligence. The definition the JRC adopted is as follows:

In performing professional services for a patient a physician or surgeon has the duty to have that degree of learning and skill ordinarily possessed by reasonable physicians and surgeons practicing in the same or a similar locality and under similar circumstances.

It is his further duty to use the care and skill ordinarily exercised in like cases by reasonable members of his profession practicing in the same or a similar locality under similar circumstances, and to use reasonable diligence and his best judgment in the exercise of his skill and the application of his learning, in an effort to accomplish the purpose for which he is employed.

A failure to perform any such duty is negligence.

Gross negligence requires a choice of a course of action either with knowledge of serious danger to patients involved in it or with knowledge of facts which would disclose this danger to any reasonable physician. Gross negligence involves a risk substantially greater in amount than that which is necessary [\*\*3] to make conduct negligent.

"Proven gross negligence" is gross negligence proven by a preponderance of the evidence. By a preponderance of the evidence is meant such evidence as when weighed by that opposed to it has more