



**THE STATE BAR OF CALIFORNIA
COMMITTEE OF BAR EXAMINERS/OFFICE OF ADMISSIONS**

**DESCRIPTION AND GRADING OF THE CALIFORNIA BAR EXAMINATION
– GENERAL BAR EXAMINATION AND ATTORNEYS' EXAMINATION –**

(Revised effective with the February 2007 administration of the examination.)

The California Bar Examination consists of the General Bar Examination and the Attorneys' Examination. The General Bar Examination has three parts: six essay questions, the Multistate Bar Examination (MBE), and two performance tests (PT'S). The parts of the examination may not be taken separately, and California does not accept the transfer of MBE scores from other jurisdictions. The examination is administered in February and July each year during the last week of the month that includes a Wednesday. On Tuesday and Thursday, applicants will have three hours to answer each set of three essay questions, which are administered during the morning sessions, and three hours for each PT, which are administered during the afternoon sessions. The MBE will be administered on Wednesday. Applicants with disabilities granted extended time accommodations will have slightly different schedules.

The examination for those applicants who have applied for and are eligible to take the Attorneys' Examination will be administered on Tuesday and Thursday. It will consist of the six essay questions and two PT's from the General Bar Examination. Applicants admitted to the Attorneys' Examination are not permitted to take the MBE. Written notification of an attorney's decision to take the General Bar Examination instead of the Attorneys' Examination or to take the Attorneys' Examination instead of the General Bar Examination must be received in the Office of Admissions by the final application-filing deadline. It will not be possible to change examinations after that date; applicants must pass the examination selected and approved by the Office of Admissions.

The examination for all applicants begins Tuesday morning and applicants must be seated no later than twenty minutes before the beginning of the examination so that instructions may be given. Applicants using laptop computers to take the examination are required to arrive at their assigned test centers somewhat earlier. The exact times will be published in the application instructions.

Essay Questions

Each three-hour essay session consists of three essay questions. This part of the examination is designed to measure an applicant's ability to analyze legal issues arising from fact situations. Answers are expected to demonstrate the applicant's ability to analyze the facts of the question, to tell the difference between material facts and immaterial facts, and to discern the points of law and fact upon which the question turns. The answer must show knowledge and understanding of the pertinent principles and theories of law, their qualifications and limitations, and their relationships to each other. The answer should evidence the applicant's ability to apply the law to the given facts and to reason in a logical, lawyer-like manner from the premises adopted to a

sound conclusion. An applicant should not merely show that he/she remembers the legal principles, but should demonstrate his/her proficiency in using and applying them.

Performance Test Questions

Performance test questions are designed to test an applicant's ability to understand and apply a select number of legal authorities in the context of a factual problem. Each question consists of a file and library with instructions advising the applicant what task(s) should be performed. In addition to measuring an applicant's ability to analyze legal issues, performance test questions require applicants to: 1) sift through detailed factual material and separate relevant from irrelevant facts, assess the consistency and reliability of facts, and determine the need for and source of additional facts; 2) analyze the legal rules and principles applicable to a problem and formulate legal theories from facts that may be only partly known and are being developed; 3) recognize and resolve ethical issues arising in practical situations; 4) apply problem solving skills to diagnose a problem, generate alternative solutions, and develop a plan of action; and, 5) communicate effectively, whether advocating, advising a client, eliciting information, or effectuating a legal transaction.

Performance test answers are graded on the applicant's responsiveness to instructions and on the content, thoroughness, organization and persuasiveness of written tasks.

Multistate Bar Examination (MBE)

The MBE, which is administered on Wednesday, is developed and graded by the National Conference of Bar Examiners (NCBE). This portion of the examination is an objective six-hour examination containing 200 questions, which is divided into two three-hour sessions during which 100 questions are administered. The MBE tests six subjects: Constitutional Law, Contracts, Criminal Law, Evidence, Real Property, and Torts. Information concerning the MBE and an online practice examination are available through the NCBE's website at www.ncbex.org.

INFORMATION REGARDING GRADING

The Committee of Bar Examiners (Committee) maintains a diverse pool of approximately 150 experienced attorneys from which Graders are selected for each examination grading cycle. A majority of the Graders have been grading bar examinations for at least five years and many of them have participated for well over ten years or more.

Eight groups consisting of eleven experienced Graders and up to three apprentice Graders are selected to grade the essay and PT answers. The groups convene three times early in the grading cycle for the purpose of calibration. A member of the Examination Development and Grading Team (Team) and a member of the Committee supervise each group of Graders. At the First Calibration Session, the Graders discuss a set of sample answers, which were distributed to everyone in the group prior to the meeting. These books are copies of answers written by a sample of the applicant group. After this discussion, the Graders receive a set of fifteen copies of answers submitted for the current examination and they begin by reading and assigning a grade

to the first answer in the set. The group then discusses the grades assigned before arriving at a consensus, and the process is repeated for each answer in the set. After reading and reaching consensus on the set of 15 books, the Graders independently read a new set of twenty answers, without any further discussion, and submit grades for review at the Second Calibration Session.

At the Second Calibration Session, Graders discuss the results of the first meeting and reread and discuss any of the answers where significant disagreement was seen, and resolve the differences through further discussion. An additional ten answer books are read and discussed. The groups are then given their first grading assignments. During the Third Calibration Session, the grading standards are reviewed and the Graders read ten additional answer books as a group to ensure they are still grading to the same standards.

Graders evaluate answers and assign grades solely on the content of the response. The quality of handwriting or the accuracy of spelling and grammar **is not** considered in assigning a grade to an applicant's answer. Based on the panel discussions and using the agreed upon standards, Graders assign raw scores to essay and performance test answers in five-point increments on a scale of 40 to 100.

Scaling Information

The Committee utilizes a grading procedure designed to ensure the difficulty of passing the examination remains unchanged from one administration of the examination to another. The statistical technique, called scaling, converts scores on the written portion (essay questions and PT's) to the same scale of measurement as the MBE. MBE raw scores are converted to scale scores to adjust the results for possible differences in average question difficulty across different administrations of the examination. As a result of this step, a given MBE scale score indicates the same level of proficiency regardless of the administration of the examination on which it was earned. Converting the total written raw scores to the same scale of measurement as the MBE adjusts for possible differences in average question difficulty and Grader performance across different administrations of the examination.

MBE scores are reported on a scale ranging from 0 to 2000 points. On the written section of the examination, applicants are graded initially on a basis of 1000 possible points: 100 points for each of the six essay questions and 200 points for each of the two performance tests. The scores obtained on the written section of the examination are then translated to the 2000-point MBE scale. An applicant's total score is the scale MBE score (on the 2000-point scale) multiplied by .35 plus the converted score on the written section multiplied by .65. Scaling ensures the two portions of the examination carry the relative weights assigned to them: written (65%) and MBE (35%).

Attorney applicants who take the Attorneys' Examination also have their scores on the written section placed on the same scale of measurement as general applicants, but as they are exempt from the MBE, their pass/fail status is based solely on the written section.

Phased Grading

All written answers submitted by applicants are read at least once before pass/fail decisions are made, including the answers of applicants who do not complete the examination in its entirety. Based on the results of empirical studies relative to reliability, scores have been established for passing and failing after one reading of the examination. For those applicants whose scores after the first read (Phase I) are near the required passing score, all answer books are read a second time, and the scores of the first and second readings are averaged. The total averaged score after two readings is then used to make a second set of pass/fail decisions, providing there are no grading discrepancies of more than 10 raw points between first and second read grades on any question (Phase II). Any answers with grading discrepancies more than 10 raw points between first and second read grades are read a third time before making the third set of pass/fail decisions.

To pass the examination in the first phase of grading an applicant must have a total scale score (after one reading) of at least 1440 out of 2000 possible points. Those with total scale scores after one reading below 1390 fail the examination. If the applicant's total scale score is at least 1390 but less than 1440 after one reading, all of the applicant's answers are read a second time by a different set of graders. If the applicant's averaged total scale score after two readings is 1440 or higher, the applicant passes the examination. Applicants with no grading discrepancies of more than 10 raw points between first and second read grades on any question with averaged total scale scores of less than 1440 fail the examination. Applicants with grading discrepancies more than 10 raw points between first and second read grades on any question whose averaged total scale score is less than 1440 will have those answers referred to the Team member supervising the grading of that particular question for resolution of the discrepancy (Phase III). The Team member will assign a resolution grade to the answer and the resolution grade will replace the averaged grade for that question. If the applicant's total scale score after resolution grading is 1440 or higher, that applicant passes the examination. If the applicant's total scale score after resolution grading is less than 1440, the applicant fails the examination.

RESULTS

Results from the February administration of the examination are released in late May and from the July administration in late November. Result notices are sent through the mail. Beginning at 6:00 p.m. the day results are mailed, applicants can access the State Bar of California's Web site (www.calbar.ca.gov) to determine whether their names appear on the pass list. Law Schools are sent pass/fail lists of their students the following week. Applicants failing the examination receive in their result notices all the grades that were assigned during the course of grading, and their books will be returned to them within four to six weeks after the release of results. Successful applicants do not receive their grades and will not have their answers returned.

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