



**INFORMATION FOR UNSUCCESSFUL APPLICANTS
FEBRUARY 2019 GENERAL BAR EXAMINATION AND ATTORNEYS' EXAMINATION**

GRADE INFORMATION

The General Bar Examination consists of two sections: the written section including five essay questions and one Performance Test (PT), and the 200-item Multistate Bar Examination (MBE). If you took the General Bar Examination, you will be able to view the following information through your Applicant portal: the raw scores for your answers to the five essay questions and the one PT (written scores), your total raw and scaled written scores, your MBE scaled score, and your total scaled score. Also reported for the MBE will be local and national percentile rank information, which indicates the percentile rank for each examinee's performance on the seven MBE content areas and the MBE total score.

The Attorneys' Examination consists of the five essay questions and one PT from the General Bar Examination. If you took the Attorneys' Examination, you will be able to view the following information through your Applicant portal: the raw scores for your answers to the five essay questions and the one PT (written scores), your total raw and scaled written scores, and your total scaled score.

To pass the examination an applicant must have a total scaled score of at least 1440 points out of a possible 2000 points.

Scaling Information

The Committee of Bar Examiners (Committee) utilizes a grading procedure designed to ensure the level of difficulty of the examination remains unchanged from one administration of the examination to another. The statistical technique, called scaling, converts scores on the written section (essay questions and PT) 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. 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. The item-response theory (IRT) equating method is the statistical methodology used to equate new forms of the MBE to previous forms of this examination. Converting the total written raw scores to the same scale of measurement as the MBE adjusts for possible differences in average question difficulty and grading across different administrations of the examination.

On the written section of the examination, applicants are initially graded on a basis of 700 maximum possible points. An applicant can earn up to 100 raw points on each of the five essay questions and up to 200 raw points on the PT. 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 scaled MBE score (on the 2000-point scale) multiplied by .50 plus the converted score on the written section multiplied by .50.

Scaling ensures the two portions of the examination carry the relative weights assigned to them: written (50%) and MBE (50%).

Attorney applicants who took 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.

FEBRUARY 2019 ESSAY AND PERFORMANCE TEST COVERAGE

Question 1: Wills and Trusts / Community Property

Question 2: Torts

Question 3: Real Property

Question 4: Evidence / Civil Procedure

Question 5: Professional Responsibility

PT Task: Persuasive Brief - Contracts

Phased Grading

All written answers submitted by applicants who completed the examination in its entirety are read and graded at least once before pass/fail decisions are made. Based on the results of 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 below but 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 converted to the MBE scale and used to make a second set of pass/fail decisions, providing there are no discrepancies of more than 10 raw points between the first and second read assigned grades on any question (Phase II). Any answers with discrepancies of more than 10 raw points between the first and second read assigned grades are read a third time before a third set of pass/fail decisions (Phase III) is made.

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

If you wish to calculate your written scaled score on your own:

Double the assigned PT grade and add the resulting value to the sum of your five raw essay grades. The total is your raw written score. Insert this value into the following formula:

Written scaled score = (Raw written score x 4.6608) – 576.5748.

If you took the Attorneys' Examination, your total scaled score is equal to your written scaled score.

If you took the General Bar Examination and wish to calculate your total scaled score on your own:

Multiply your MBE scaled score by .50. Multiply your written scaled score by .50. The sum of these two products is your total scaled score on the examination.

RECONSIDERATION

The Committee believes that its grading and administrative systems afford each applicant a full and fair opportunity to take the examination and a fair and careful consideration of all of his or her examination answers on the bar examination, and that no useful purpose would be served by further consideration by the Committee. For this reason, the Committee will consider requests for reconsideration only when an applicant establishes with documented evidence that one of the following resulted in failure or prevented the examination from being properly graded:

1. An arithmetical error in the calculation of the total written score from the final grades assigned to the written questions or in the calculation of the total MBE score; or
2. A clerical error.

The Committee will **not** extend reconsideration based on challenges to its grading system or the judgments of its professional graders. Requests for reconsideration submitted by or on behalf of an unsuccessful applicant must be in writing and meet the criteria noted above. Requests not meeting those criteria may be summarily denied on that basis, without further explanation.

EXAMINATION ANSWERS

The essay and PT answers of those applicants who are unsuccessful on the California Bar Examination will be accessible through their Applicant portals by the end of June 2019.

The MBE portion of the California Bar Examination is a secure examination owned by the National Conference of Bar Examiners (NCBE). The NCBE does not permit the review of MBE questions, answers or the answer sheets completed by applicants. Only scaled MBE scores and percentile rank information are provided to the jurisdictions that use the test. Raw scores are not available.

PRACTICAL TRAINING OF LAW STUDENTS — Termination of Certification

Pursuant to the provisions contained in Title 3, Division 1, Chapter 1 of the *Rules of the State Bar of California* regarding the Practical Training of Law Students program, certification as a law student is terminated when an applicant is unsuccessful on or fails to take the first California Bar Examination for which he/she is eligible.

TRANSFER OF MBE SCORES TO OTHER JURISDICTIONS

The NCBE will transfer your MBE score to admitting authorities in other jurisdictions upon request and payment of a fee. An MBE Score Transfer Request may be completed and submitted online through the NCBE's website at www.ncbex.org.

BAR EXAMINATION STUDY AIDS

"Selected Answers," which are examination answers that were assigned high grades during the course of grading and were written by actual successful applicants who passed the examination after Phase I grading, are produced following the release of results for each administration of the examination. Essay Questions, Performance Tests and Selected Answers for the past several administrations of the California Bar Examination are available free of charge on the Admissions portion of The State Bar of California's website at <http://www.calbar.ca.gov/Admissions>. Selected Answers from the February 2019 administration are expected to be available online by late June. A limited supply of booklets with the Selected Answers from the February 2018, July 2018, and February 2019 administrations of the examination are available upon written request (a form for ordering copies is on the website) and payment of the required fee of \$25.00 each.

If materials will be sent to a location outside of the United States, an additional \$5.00 for postage must be submitted. All sales are final.

MBE study aids, including Simulated MBE Tests and MBE Practice Questions, are available for purchase online through the NCBE. The NCBE also offers free sample questions for the MBE. Additional information is available on the NCBE's website at www.ncbex.org.

APPLICATION TO TAKE THE JULY 2019 CALIFORNIA BAR EXAMINATION

The application, instructions, deadlines and other information to take the July 2019 California Bar Examination are available through the State Bar's website at <http://www.calbar.ca.gov/Admissions>. The timely filing deadline for February 2019 California Bar Examination unsuccessful applicants to file an application to take the July 2019 administration of the examination is May 31, 2019. Applications may be filed after that date, but a late fee is required. The final filing deadline for the July 2019 examination, with a late fee, is June 3, 2019.