



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

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**INFORMATION FOR UNSUCCESSFUL APPLICANTS
JULY 2009 GENERAL BAR EXAMINATION AND ATTORNEYS' EXAMINATION**

GRADE INFORMATION

The General Bar Examination consists of two sections: the written section including six essays and two Performance Tests (PT), and the 200-item Multistate Bar Examination (MBE). If you took the General Bar Examination, your result letter includes your raw MBE subscores, your total raw (number of items correct) and scaled MBE scores, your raw scores on the eight parts of the written test, your total raw and scaled written scores, and your total scaled score.

The Attorneys' Examination consists of the six essays and two PT's from the General Bar Examination. If you took the Attorneys' Examination, your letter includes your raw scores on the eight parts of the written test, 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 1440 out of a 2000 possible points.

Scaling Information

The Committee of Bar Examiners (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.

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. IRT methods do not generate or use linear equations for equating. Instead, a table for converting raw scores to scaled scores is provided to transform raw scores (the number of questions answered correctly) to scaled scores. Additional information regarding the equating of the MBE and the item-response theory method can be found on the National Conference of Bar Examiners' (NCBE) Web site at www.ncbex.org.

On the written section of the examination, applicants are graded initially on a basis of 1000 possible points. An applicant can earn up to 100 raw points on each of the six essay questions and up to 200 raw points on each 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 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 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.

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 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 answer whose averaged total scale 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 (Phase III). The supervising 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.

ESSAY AND PERFORMANCE TEST SUBJECT COVERAGE

Question #	Subject	Tasks
1.	Torts	PT-A: Points and Authorities in support of a motion for Summary Judgment
2.	Professional Responsibility	
3.	Evidence	PT-B: Objective memorandum analyzing defenses to a claim of defamation
4.	Constitutional Law	
5.	Civil Procedure and Professional Responsibility	
6.	Criminal Law and Procedure	

To confirm your scaled written score:

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

Scaled written score = (Raw written score x 2.9578) – 359.1610

To confirm your MBE scaled score:

Use the table provided below to find the MBE scaled score that corresponds to your MBE raw score. Because California reports MBE scaled scores on a 2000-point scale, multiply the MBE scaled score in this table by 10.

MBE CONVERSION TABLE

1	42.3	20	60.0	39	77.8	58	91.9	77	105.6	96	119.7	115	134.6	134	150.4	153	166.8	172	182.3
2	43.3	21	61.0	40	78.7	59	92.6	78	106.3	97	120.5	116	135.4	135	151.3	154	167.6	173	183.1
3	44.2	22	61.9	41	79.6	60	93.3	79	107.0	98	121.2	117	136.3	136	152.1	155	168.5	174	183.9
4	45.1	23	62.8	42	80.5	61	94.0	80	107.8	99	122.0	118	137.1	137	153.0	156	169.3	175	184.7
5	46.1	24	63.8	43	81.3	62	94.8	81	108.5	100	122.8	119	137.9	138	153.8	157	170.2	176	185.5
6	47.0	25	64.7	44	82.0	63	95.5	82	109.2	101	123.5	120	138.7	139	154.7	158	171.0	177	186.2
7	47.9	26	65.6	45	82.6	64	96.2	83	110.0	102	124.3	121	139.5	140	155.5	159	171.8	178	187.0
8	48.8	27	66.6	46	83.3	65	96.9	84	110.7	103	125.1	122	140.4	141	156.4	160	172.7	179	187.8
9	49.8	28	67.5	47	84.0	66	97.6	85	111.4	104	125.9	123	141.2	142	157.3	161	173.5	180	188.6
10	50.7	29	68.4	48	84.7	67	98.4	86	112.2	105	126.7	124	142.0	143	158.1	162	174.3	181	189.4
11	51.6	30	69.4	49	85.4	68	99.1	87	112.9	106	127.5	125	142.8	144	159.0	163	175.2	182	190.1
12	52.6	31	70.3	50	86.1	69	99.8	88	113.7	107	128.2	126	143.7	145	159.9	164	176.0	183	190.9
13	53.5	32	71.2	51	86.9	70	100.5	89	114.4	108	129.0	127	144.5	146	160.7	165	176.8	184	191.7
14	54.4	33	72.2	52	87.6	71	101.2	90	115.2	109	129.8	128	145.4	147	161.6	166	177.6	185	192.5
15	55.4	34	73.1	53	88.3	72	102.0	91	115.9	110	130.6	129	146.2	148	162.4	167	178.4	186	193.4
16	56.3	35	74.0	54	89.0	73	102.7	92	116.7	111	131.4	130	147.0	149	163.3	168	179.2	187	194.2
17	57.2	36	75.0	55	89.7	74	103.4	93	117.4	112	132.2	131	147.9	150	164.2	169	180.0	188	195.2
18	58.2	37	75.9	56	90.4	75	104.1	94	118.2	113	133.0	132	148.7	151	165.0	170	180.8	189	196.1
19	59.1	38	76.8	57	91.2	76	104.9	95	118.9	114	133.8	133	149.6	152	165.9	171	181.5	190	197.1

- Raw Score - Scaled Score

To confirm your total scaled score if you took the General Bar Examination:

Multiply your scaled MBE score by .35. Multiply your scaled written score by .65. The sum of these two products is your total scaled score on the examination.

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

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 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 entertain requests for reconsideration only when an applicant establishes 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.

EXAMINATION ANSWERS

Applicants who are unsuccessful on the California Bar Examination will have their essay and Performance Test answers mailed to the address on file approximately four weeks following the release of results. Copies of examination answer materials are not available.

The MBE portion of the California Bar Examination is a secure examination owned by the NCBE. The NCBE does not permit the review of MBE questions, answers or the answer sheets completed by applicants.

PRACTICAL TRAINING OF LAW STUDENTS — Termination of Certification

Certification under the *Rules Governing the Practical Training of Law Students* is terminated when an applicant is unsuccessful on or fails to take the first General 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. A form for facilitating the transfer can be found through the NCBE's Web site at www.ncbex.org/tests/mbe/transfer.htm. In accordance with the *Admissions Rules*, passing applicants do not have access to their scores from the examination and they will be advised by the NCBE, upon request, only whether their MBE score meets another jurisdiction's minimum requirement.

BAR EXAMINATION STUDY AIDS

"Selected Answers", which are examination answers written by actual applicants from a particular administration of the examination that received high grades during the course of grading, are produced 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 Web site at www.calbar.ca.gov/admissions. Selected Answers from the July 2009 administration are expected to be available online by December 18, 2009. A limited supply of booklets with the Selected Answers from the February 2008, July 2008, February 2009 and the July 2009 administrations of the examination are available upon written request and payment of the required amount(s) as follows:

- Essay Questions and Selected Answers – \$5.00
- Performance Questions and Selected Answers – \$8.00

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

MBE study aids called the Multistate Bar Examination - Annotated Preview (MBE-AP) are available online through the NCBE. Additional information is available through the NCBE's Web site at www.ncbex.org.

APPLICATION TO TAKE THE FEBRUARY 2010 CALIFORNIA BAR EXAMINATION

The application, instructions, deadlines and other information to take the February 2010 California Bar Examination are available through the State Bar's Web site at www.calbar.ca.gov/admissions. The timely filing deadline for unsuccessful applicants from the July 2009 California Bar Examination to take the February 2010 administration of the examination is **December 9, 2009**. Applications may be filed after that date, but a late fee is required. The final filing deadline for the February 2010 examination is January 15, 2010.