



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

180 Howard Street • San Francisco, CA 94105-1639 • (415) 538-2300
1149 South Hill Street • Los Angeles, CA 90015-2299 • (213) 765-1500

**INFORMATION FOR UNSUCCESSFUL APPLICANTS
FEBRUARY 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 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.	Professional Responsibility	PT-A: Points and Authorities in Support of a Motion for Injunctive Relief
2.	Civil Procedure	
3.	Evidence	PT-B: Counseling Memorandum to a Client
4.	Torts	
5.	Contracts	
6.	Business Associations	

To confirm your written scaled score:

Double each raw PT grade.

Add the resulting value to the sum of your six raw essay grades. The total is your written raw score. Insert this value into the following formula:

$$\text{Scaled written score} = (\text{Raw written score} \times 2.9397) - 403.7226$$

To confirm your MBE scaled Score:

Use the table provided 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	40.7	20	56.9	39	73.0	58	87.6	77	101.6	96	116.5	115	132.5	134	149.5	153	166.8	172	183.4
2	41.5	21	57.7	40	73.9	59	88.3	78	102.4	97	117.3	116	133.3	135	150.4	154	167.7	173	184.3
3	42.4	22	58.6	41	74.7	60	89.1	79	103.1	98	118.1	117	134.2	136	151.3	155	168.6	174	185.1
4	43.2	23	59.4	42	75.6	61	89.8	80	103.9	99	118.9	118	135.1	137	152.2	156	169.5	175	185.9
5	44.1	24	60.3	43	76.5	62	90.5	81	104.7	100	119.7	119	136.0	138	153.1	157	170.4	176	186.8
6	44.9	25	61.1	44	77.3	63	91.2	82	105.4	101	120.6	120	136.9	139	154.0	158	171.3	177	187.6
7	45.8	26	62.0	45	78.2	64	92.0	83	106.2	102	121.4	121	137.8	140	154.9	159	172.2	178	188.4
8	46.6	27	62.8	46	79.0	65	92.7	84	107.0	103	122.2	122	138.7	141	155.8	160	173.0	179	189.2
9	47.5	28	63.7	47	79.9	66	93.4	85	107.7	104	123.0	123	139.5	142	156.7	161	173.9	180	190.0
10	48.3	29	64.5	48	80.7	67	94.1	86	108.5	105	123.9	124	140.4	143	157.7	162	174.8	181	190.8
11	49.2	30	65.4	49	81.2	68	94.9	87	109.3	106	124.7	125	141.3	144	158.6	163	175.7	182	191.5
12	50.0	31	66.2	50	81.9	69	95.6	88	110.1	107	125.6	126	142.2	145	159.5	164	176.6	183	192.3
13	50.9	32	67.1	51	82.6	70	96.4	89	110.9	108	126.4	127	143.1	146	160.4	165	177.4	184	193.0
14	51.7	33	67.9	52	83.3	71	97.1	90	111.7	109	127.3	128	144.0	147	161.3	166	178.3	185	193.7
15	52.6	34	68.8	53	84.0	72	97.8	91	112.5	110	128.1	129	144.9	148	162.2	167	179.2	186	194.4
16	53.5	35	69.6	54	84.7	73	98.6	92	113.3	111	129.0	130	145.8	149	163.1	168	180.0	187	195.0
17	54.3	36	70.5	55	85.5	74	99.3	93	114.0	112	129.9	131	146.7	150	164.0	169	180.9	188	195.4
18	55.2	37	71.3	56	86.2	75	100.1	94	114.9	113	130.7	132	147.7	151	164.9	170	181.8	189	195.7
19	56.0	38	72.2	57	86.9	76	100.8	95	115.7	114	131.6	133	148.6	152	165.8	171	182.6	190	196.1

 - 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.

INSPECTION OF EXAMINATION PAPERS IS NOT PERMITTED.

Applicants who are unsuccessful on the California Bar Examination will have their essays 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 answer keys and applicant answer sheets are not provided to the Committee by the National Conference of Bar Examiners. As a result, applicants are not able to make appointments to compare their MBE answer sheets with the MBE answer keys.

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 National Conference of Bar Examiners (NCBE) will transfer your MBE score to admitting authorities in other jurisdictions. A form for facilitating the transfer can be found online through the National Conference of Bar Examiners' Website 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 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 Website at www.calbar.ca.gov/admissions. Selected Answers from the February 2009 administration are expected to be available online by June 8, 2009. A limited supply of booklets with the Selected Answers from the July 2007, February 2008, July 2008, and the February 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, include an additional \$5.00 for postage. All sales are final.

MBE study aids called the Multistate Bar Examination - Annotated Preview (MBE-AP) are available online through the National Conference of Bar Examiners. Additional information is available through the National Conference of Bar Examiners' Website at www.ncbex.org.

APPLICATION TO TAKE THE JULY 2009 CALIFORNIA BAR EXAMINATION

Application forms, instructions, deadlines and other information to take the July 2009 California Bar Examination are available through the State Bar's Website at www.calbar.ca.gov/admissions. The timely filing deadline for unsuccessful applicants from the February 2009 California Bar Examination to take the July 2009 administration of the examination is **June 1, 2009**. Applications may be filed after that date, but a late fee is required. The final filing deadline for the July 2009 examination is June 15, 2009.