



**INFORMATION FOR UNSUCCESSFUL APPLICANTS  
FEBRUARY 2021 GENERAL BAR EXAM AND ATTORNEYS' EXAM**

**Grade Information**

The General Bar Exam consists of two sections: a written section containing five essay questions and one Performance Test (PT), and the 200-item Multistate Bar Examination (MBE) questions. If you took the General Bar Exam, 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 applicant's performance on the seven MBE content areas and the MBE total score.

The Attorneys' Exam consists of the five essay questions and one PT from the General Bar Exam. If you took the Attorneys' Exam, 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 exam an applicant must have a total scaled score of at least 1390 points out of a possible 2000 scale points.

**Scaling Information**

The Committee of Bar Examiners utilizes a grading procedure designed to ensure the level of difficulty of the exam remains unchanged from one administration of the exam 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 exam 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 exam. 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 exam.

On the written section of the exam, applicants were initially graded on a basis of 700 maximum possible points. An applicant could earn up to 100 raw points on each of the five essay questions and up to 100 raw points on the PT. The grade on the PT is doubled in the calculation of the total raw written points. The scores obtained on the written section of the exam are then translated to the 2000-point MBE scale. An applicant's total score is the scaled MBE score multiplied by .50 plus the converted score on the written section multiplied by .50.

Attorney applicants who took the Attorneys' Exam 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 2021 Essay and Performance Test Coverage**

- Question 1: Evidence
- Question 2: Contracts / Remedies
- Question 3: Community Property
- Question 4: Professional Responsibility
- Question 5: Real Property
- PT Task: Contracts – Draft Objective Memo

### **Phased Grading**

All written answers submitted by applicants who completed the exam 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 exam. 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 (Phase II).

To pass the exam in the first phase of grading, an applicant must have a total scaled score (after one reading) of at least 1390 points out of 2000 possible points. Those with total scaled scores after one reading below 1350 fail the exam. If the applicant's total scaled score is at least 1350 but less than 1390 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 1390 or higher, the applicant passes the exam. Applicants with averaged total scaled scores of less than 1390, fail the exam.

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:

$$\text{Written scaled score} = (\text{Raw written score} \times 4.1641) - 386.5342$$

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

If you took the General Bar Exam 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 exam.

## Examination Answers

The essay and PT answers of those applicants who are unsuccessful on the California Bar Exam are accessible through your [Applicant Portal](#). You may save or print a copy for your records. The files will be removed from the Applicant Portal on **June 7, 2021**.

The MBE portion of the California Bar Exam is a secure exam 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 Exam for which they are eligible.

## Provisional Licensure Program

In October of 2020, the California Supreme Court issued an administrative order approving New Rule 9.49, which implements a Provisional Licensure Program (PLP) for 2020 law school graduates. The program, as currently structured, allows eligible 2020 law school graduates to practice law as provisionally licensed lawyers under the supervision of fully licensed lawyers who meet the requirements of the rule and who agree to assume professional responsibility over the work of the provisionally licensed lawyers.

The California Supreme Court issued an administrative order in January, 2021 that expanded the Provisional Licensure Program to include individuals who scored 1390 or higher on any California Bar Exam administered between July 2015 and February 2020, as determined by the first read score or final score, regardless of year of law school graduation or year satisfying the educational requirements to sit for the bar exam. Those eligible for the expanded program will not need to retake a bar exam if they complete 300 hours of supervised legal practice in the Provisional Licensure Program and fulfill all other requirements of the amended rule. The application period for the expanded program must be submitted no later than **May 31, 2021**. The program will terminate June 1, 2022, unless extended by the Court.

Provisionally licensed lawyers are able to engage in all of the same activities that a fully licensed lawyer is permitted to engage in, under their supervising lawyer's supervision and subject to certain restrictions. Both the provisionally licensed lawyer and their supervising lawyer are expected to abide by all applicable State Bar rules and guidelines and are bound by the disciplinary authority of the California Supreme Court and the State Bar. For more information about the PLP, please visit the [State Bar website](#).

## **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](http://www.ncbex.org).

## **Bar Examination Study Aids**

"Selected Answers," which are exam answers that were assigned high grades during the course of grading and were written by actual successful applicants who passed the exam after Phase I grading, are produced following the release of results for each administration of the exam. Essay Questions, Performance Tests, and Selected Answers for the past several administrations of the California Bar Exam are available free of charge on the [Admissions webpage](#). Selected Answers from the February 2021 administration are expected to be available online in June. A limited supply of hard copy booklets with the Selected Answers from the February 2020, October 2020, and February 2021 administrations of the exam are available upon written [request](#) 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 are available for purchase online through the NCBE. Additional information is available on the [NCBE's website](#).

## **Application to Take the July 2021 California Bar Examination**

The administration of the July 2021 California Bar Exam is scheduled for July 27–28, 2021. Immediate repeaters are able to register for the July 2021 California Bar Exam starting on May 7, 2021. Additional information and updates will be made available through the [State Bar website](#).