MEMORANDUM

DATE: April 24, 2019

TO: Dean Emeritus and Professor Jeffrey Lewis, Chair
Barry Currier, Managing Director
Members of the Council
Section of Legal Education and Admissions to the Bar

FROM: Judith A. Gundersen, President
National Conference of Bar Examiners

RE: Report from NCBE

Thank you for inviting NCBE to attend your May meeting. I am honored to make a presentation about NCBE’s recent activities.

February 2019 MBE Scores
The Multistate Bar Exam (MBE) mean for the February 2019 exam was 134.0, up 1.2 points over the February 2018 mean of 132.8. The February 2019 results represent the first increase in the February mean score since February 2013. The number of examinees was up about 1% from February 2018, with 21,316 examinees sitting for the February 2019 exam. The February 2019 percentage of repeaters increased over February 2018 from about 68% to 69%. That percentage has been increasing since 2013, when the percentage was 62%. (Please see Attachment 1.)

The Bar Examiner Website
NCBE is pleased to announce the launch of The Bar Examiner website, an online version of our print magazine. Visit the website (https://thebarexaminer.org/) or subscribe here: https://thebarexaminer.org/subscribe/.

Events
NCBE and LSAC co-sponsored a conference for legal educators in February in New Mexico entitled High-Stakes Assessment: What Every Legal Educator Needs to Know. The conference was attended by 148 professors, deans, and academic support staff. (Please see Attachment 2.)

Our Annual Bar Admissions Conference is scheduled for May 2–5, 2019, in San Francisco.
Memorandum to Members of the Council
Page 2
April 24, 2019

**Testing Task Force**
Stakeholder engagement, Phase 1 of the Testing Task Force’s three-year study, is ongoing. Around 20 stakeholder listening sessions were held from November 2018 through February 2019, and 10 more are scheduled in May and June, at which point more than 300 stakeholders will have shared their ideas and opinions on the future direction of the bar examination. Additional opportunities for stakeholder involvement will be provided as the study progresses. Phase 2 of the study, a future-focused practice analysis, is in full swing—development of the practice analysis survey is nearing completion, and the survey will be distributed nationwide starting in late May.

Please visit the Testing Task Force website, [https://www.testingtaskforce.org](https://www.testingtaskforce.org), to follow the study and to subscribe to receive updates on Task Force progress.

**CLEO Collaboration**
In late 2018, NCBE began collaborating with the Council on Legal Education Opportunity Inc. (CLEO) to support our shared goal of increasing diversity and inclusion in the legal profession. To date, 78 students have enrolled in the NCBE-funded CLEO Bar Passage Program, and the first round of webinars and mentoring sessions has been completed. In addition to CLEO’s current bar passage resources, the NCBE/CLEO project will offer additional summer programs for bar study.

**Study Aids Online**
In March, NCBE launched a new study aid platform supported by BenchPrep to deliver a new suite of digital study aids for the Multistate Bar Examination (MBE), Multistate Essay Examination (MEE), Multistate Performance Test (MPT), and Multistate Professional Responsibility Examination (MPRE). The eLearning platform includes two simulated MBE practice exams and one MPRE simulated practice exam. These products are available at a discounted rate for institutional buyers. Simulated MBE 1 and 2 (normally priced at $75) are available for a discounted price of $50 per student per exam. The Simulated MPRE (normally $45) is available at the price of $30 per student per exam. Faculty will also have access to the platform dashboard, where student progress can be tracked. For more information, please contact Lu Riese at lriese@ncbex.org or visit the web page [http://www.ncbex.org/study-aids/](http://www.ncbex.org/study-aids/). (Please see Attachment 3.)

**UBE**
The Uniform Bar Exam (UBE) is composed of the Multistate Essay Exam (MEE), the Multistate Performance Test (MPT), and the Multistate Bar Exam (MBE). The UBE is uniformly administered and graded, producing a portable score that can be transferred to other UBE jurisdictions. Thirty-six jurisdictions have adopted the UBE, most recently Texas (first administration to be February 2021) and Arkansas (first administration to be February 2020). After February 2019 results are reported, nearly 110,000 examinees will have earned UBE scores. To date, over 15,000 examinees have transferred their UBE scores. (Please see attachment 4.)
Memorandum to Members of the Council
Page 3
April 24, 2019

Additional Information
NCBE’s 2018 Year in Review is attached to this report. (Please see Attachment 5.)


NCBE on Social Media
NCBE is now on Twitter, LinkedIn, Facebook, and Instagram. Please follow us!
February 2019 MBE Mean Score Increases

The national Multistate Bar Examination mean score for February 2019 was 134.0, an increase of about 1.2 points from the February 2018 mean of 132.8. The February 2019 results represent the first increase in the February mean score since February 2013. 21,316 examinees sat for the MBE in February 2019, an increase of about 1% compared to February 2018.

The percentage of February examinees who were first-time test takers* (about 22%) continued to drop, as did the percentage of examinees who had likely taken and passed the bar exam on a previous attempt (about 6%). The percentage of examinees who had likely taken but not passed the bar exam on a previous attempt (about 62%) continued to increase.** (The percentage of examinees who, because of limited available information, are not identifiable as either first-time or repeat test takers remained steady at about 10%).

While the MBE mean score increased for both February 2019 first-time test takers and February 2019 repeat test takers, the increase was smaller for first-time test takers and repeaters who had passed the bar exam on a previous attempt, and higher for repeaters who had not passed the bar exam on a previous attempt.

Reliability for the February 2019 exam was .92, the same as the reliability for the February 2018 MBE, which was the highest in program history for a February administration. (Reliability is an indicator of the consistency of a set of examination scores, with a maximum value of 1.0.)

Jurisdictions are currently in the process of grading the written components of the bar exam; once this process is completed, bar exam scores will be calculated and passing decisions reported by jurisdictions.

* The first-time and repeat test taker information calculated by NCBE is an approximation based on biographic data and the NCBE Number, which have not been used consistently in all jurisdictions across time. Use of the NCBE Number as a unique identifier has increased steadily since it was introduced in 2011; it is now used in all but three of the jurisdictions that administer the MBE, and it identified about 96% of the February 2019 examinees. Repeat test takers are defined as those who were identified as having taken an MBE in any jurisdiction at least once prior to the current administration. However, the identification of repeat test takers is less certain in the case of earlier previous exam administrations than for more recent administrations, depending on when a jurisdiction began using the NCBE Number.

** In February 2018, about 23% of examinees were first-time test takers, about 7% were repeat test takers who had likely previously passed the exam, and about 59% were repeat test takers who had likely previously not passed the exam.
FRIDAY, FEBRUARY 8 (continued)

2:00 p.m.–3:00 p.m.
**Workshops (Session 2)**

A. Building Formative and Summative Assessments  
Gage Kingsbury, Psychometrician  
Lily Knezevich, LSAC  
*Wolf*

Effective classroom assessments are fundamental to evaluating student progress and growth towards the goals of the course or curriculum. Ideally, formative assessments guide instruction by enabling the professor to adapt instruction to the needs of individual students. This workshop will provide information about creating effective formative and summative assessments and provide an opportunity for the participants to discuss their classroom experiences.

Moderator: Kellye Testy, LSAC

B. The LSAT: What’s Next?  
Josiah Evans, LSAC  
James Lorié, LSAC  
*Hawk*

This session will begin with a summary of the changes on the horizon for the LSAT, including digitization and remote proctoring. This is your opportunity to let the makers of the LSAT know what additional assessments and measures you would like LSAC to provide to assist in admissions and your educational mission.

C. NCBE Testing Task Force: Bar Exam of the Future  
Susan Davis-Becker, ACS Ventures, LLC  
*Badger*

In this listening session, NCBE’s Testing Task Force will query the audience with the goal of getting stakeholder input on the bar exam. Here is your opportunity to let the makers of the MBE and the UBE know how you would like the bar exam to evolve to meet the current and future needs of the profession.

D. Best Practices: Fairness  
Mark Raymond, Psychometrician  
Ben Theis, LSAC  
*Tamaya G*

Among the fundamental principles of sound test design and practice is that the test be fair to all test takers. This session will review what is required in high stakes testing to ensure that the instruments themselves, and the resultant test scores, are as fair as possible. Topics will include fairness standards in content review and statistical methods used to identify potentially problematic questions.

3:15 p.m.  
**Concluding Remarks**  
Judith Gundersen, NCBE  
Kellye Testy, LSAC  
*Tamaya D*

For the latest on law and legal education, check out LSAC’s new blog, Law:Fully at LSAC.org/blog.
The goal of this conference is to advance understanding of sound testing and assessment principles and implementation that support law schools’ educational missions. The conference is aimed toward law school faculty, researchers, and staff who focus on student success—ranging from admission to licensure. Participants will learn about equity and fairness in test design and will discuss a range of measurement topics including bar preparation, test development, standard setting, and validity and reliability.

### THURSDAY, FEBRUARY 7, 2019

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>5:00 p.m.–6:30 p.m.</td>
<td>Registration, Concierge Desk</td>
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<tr>
<td>6:00 p.m.–8:00 p.m.</td>
<td>Reception (heavy hors d’oeuvres)</td>
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<td>Welcoming Remarks</td>
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<td>Cottonwoods Pavillion</td>
</tr>
</tbody>
</table>

### FRIDAY, FEBRUARY 8, 2019

All morning sessions held in Tamaya Ballroom D unless otherwise noted.

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 a.m.–9:00 a.m.</td>
<td>Registration and Breakfast</td>
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<tr>
<td>Tamaya Ballroom E</td>
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<tr>
<td>9:00 a.m.–9:15 a.m.</td>
<td>Welcome&lt;br&gt;Lily Knezevich, LSAC</td>
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<td>Opening Remarks&lt;br&gt;Judith Gundersen, NCBE&lt;br&gt;Kelley Testy, LSAC</td>
</tr>
<tr>
<td>9:15 a.m.–10:15 a.m.</td>
<td>High-Stakes Testing: The Fundamentals&lt;br&gt;Gage Kingsbury, Psychometrician</td>
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<td>Dr. Kingsbury will introduce the concepts of validity, reliability, and fairness. The difference between an admissions test (predicting future performance based on relevant skills) versus a certification/licensure test will be explored, as well as how the purpose of the test affects its design.&lt;br&gt;Moderator: Kelley Testy, LSAC</td>
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<tr>
<td>10:15 a.m.–10:30 a.m.</td>
<td>Break&lt;br&gt;Tamaya Ballroom Prefunction</td>
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<tr>
<td>10:30 a.m.–11:15 a.m.</td>
<td>Implications of Standardization: Test Security for LSAT and Bar Exam&lt;br&gt;James Wollack, University of Wisconsin&lt;br&gt;Professor James Wollack will explore the implications of testing standards (validity, reliability, and fairness) for test administration, including test security.&lt;br&gt;Moderator: Judith Gundersen, NCBE</td>
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<tr>
<td>11:15 a.m.–11:30 a.m.</td>
<td>Break&lt;br&gt;Tamaya Ballroom Prefunction</td>
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<td>11:30 a.m.–12:15 p.m.</td>
<td>Formative and Summative Assessments: How Formative and Summative Assessments differ from a Standardized Admission Test (LSAT) and a Licensure (Bar Exam)&lt;br&gt;William Adams, American Bar Association, Office of the Consultant on Legal Education&lt;br&gt;Gage Kingsbury, Psychometrician&lt;br&gt;Mark Raymond, Psychometrician&lt;br&gt;The panel will discuss Standard 314 of the ABA Standards for Admission to the Bar, as well as its history and implementation. In addition, the panel will explain the nature and evaluation of formative and summative assessments.&lt;br&gt;Moderator: Camille deJorna, LSAC</td>
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### FRIDAY, FEBRUARY 8 (continued)

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<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>12:15 p.m.–1:00 p.m.</td>
<td>Lunch&lt;br&gt;Tamaya Ballroom E</td>
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<tr>
<td>1:00 p.m.–1:50 p.m.</td>
<td>Workshops (Session 1)</td>
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<tr>
<td>A. Building Formative and Summative Assessments&lt;br&gt;Gage Kingsbury, Psychometrician&lt;br&gt;Lily Knezevich, LSAC&lt;br&gt;Wolf&lt;br&gt;Effective classroom assessments are fundamental to evaluating student progress and growth towards the goals of the course or curriculum. Ideally, formative assessments guide instruction by enabling the professor to adapt instruction to the needs of individual students. This workshop will provide information into creating effective formative and summative assessments and provide an opportunity for the participants to discuss their classroom experiences.&lt;br&gt;Moderator: Kellye Testy, LSAC</td>
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<td>B. How the LSAT is Created and Scored&lt;br&gt;Josiah Evans, LSAC&lt;br&gt;James Lorié, LSAC&lt;br&gt;Hawk&lt;br&gt;This session will illustrate how the LSAT is created, scored, and validated. We will examine the standards—including logical and conceptual soundness, as well as fairness to all test takers—that guide the development of LSAT test questions. We will also review the processes LSAC has put in place to ensure that LSAT questions meet those standards. With respect to scoring, you will learn the process and evidence used to empirically demonstrate the validity, reliability, and fairness of the test. You will also learn how LSAC ensures that scores remain equivalent for every administration, despite fluctuations in test difficulty or test taker proficiency.&lt;br&gt;Moderator: Joel DeJornet, LSAC, National Conference Board of Examiners</td>
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<td>C. How the MBE and Uniform Bar Exam are Created and Scored&lt;br&gt;Mark Albanese, NCBE&lt;br&gt;Doug Ripkey, NCBE&lt;br&gt;Badger&lt;br&gt;Ever wonder about what goes into creating the Multi-State Bar Exam (MBE) and the Uniform Bar Exam (UBE)? This workshop will provide an overview of how these high-stakes licensure exams are developed and scored. Included will be an explanation of the standard-setting procedure.&lt;br&gt;Moderator: Judith Gundersen, NCBE</td>
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<td>D. Best Practices: Fairness&lt;br&gt;Mark Raymond, Psychometrician&lt;br&gt;Ben Theis, LSAC&lt;br&gt;Tamaya G&lt;br&gt;Among the fundamental principles of sound test design and practice is that the test be fair to all test takers. This session will review what is required in high stakes testing to ensure that the instruments themselves, and the resultant test scores, are as fair as possible. Topics will include fairness standards in content review as well as statistical methods used to identify potentially problematic questions.&lt;br&gt;Moderator: Joel DeJornet, LSAC, National Conference Board of Examiners</td>
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NCBE Online Study Aids

For more information, please contact Lu Riese at lriese@ncbex.org or visit the web page http://www.ncbex.org/study-aids/.

MBE Practice Questions
⇒ Questions sorted by category
⇒ Ongoing tally of % correct
⇒ Analysis of time spent per question, separated by those correctly answered and those incorrectly answered

Strengths & Weaknesses
⇒ Shows performance in relation to other users of the same study aid
⇒ Useful to faculty when purchased for an entire class

MBE Practice Test
⇒ Shows correct answer
⇒ Supplies explanation
⇒ Tracks time spent on the test item

Online study aids are now available for the MBE, MPRE, MEE and MPT, with individual purchase prices ranging from $15 (for 6 MEE questions) to $250 (for the Everything Pack which contains over 900 MBE, MPRE, MEE and MPT questions). Discounts are available for bulk purchases of the MBE and MPRE practice exams.
Adoption of the Uniform Bar Examination
with NCBE Tests Administered by Non-UBE Jurisdictions
April 23, 2019
National Conference of Bar Examiners

Y E A R I N R E V I E W

2018
## Contents

1. Letter from the NCBE Board Chair
2. Letter from the NCBE President
3. 2018 Highlights
4. What We Do
5. Testing Task Force
6. Who We Are
8. Educational Events, Meetings, and Outreach
10. Our Tests
13. Score-Related Services
14. Research
15. Study Aids
16. Character and Fitness Investigations
17. The *Bar Examiner* Magazine
18. 2018–2019 Board of Trustees and NCBE Senior Staff

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instagram /ncbexaminers
Welcome to the 2018 Year in Review—the fourth edition of a publication designed to provide you with a snapshot of the work conducted by NCBE during the past year. For an overview of the work that NCBE does, see the What We Do page, and then delve into the facts and figures on the subsequent pages that describe our efforts in these areas during the past year.

When I say the work conducted by NCBE, I mean the collective work of the extremely dedicated and capable NCBE staff and the volunteers who serve on our Board of Trustees, our policy committees, and our exam drafting committees. NCBE has 9 policy committees and 10 exam drafting committees comprising over 140 highly dedicated and knowledgeable volunteers. The work of these committed staff members and volunteers makes it possible for NCBE to provide high-quality testing products, high-caliber character and fitness investigations, and support and educational opportunities to help jurisdictions in their bar admissions processes.

The Uniform Bar Examination (UBE) has continued its growth in 2018. At the end of 2018, 34 jurisdictions had adopted the UBE and more than 101,000 UBE scores had been earned by bar admission candidates since the UBE’s inception in 2011.

In 2018, NCBE appointed a Testing Task Force to undertake a three-year study to ensure that the bar examination continues to test the knowledge, skills, and abilities required for competent entry-level legal practice in a changing profession. The Testing Task Force has developed a three-phase research plan and has engaged the services of two independent research consulting firms to conduct research for its study. Focus group sessions were started at the end of 2018 and will continue in 2019 to seek the input of important stakeholders—such as state supreme court justices, legal educators, bar admission administrators, and bar leaders—about the current bar examination and its future direction.

Bar examiners and administrators are tasked with the challenging charge of ensuring that applicants for bar admission demonstrate the competence, character, and fitness to practice law in a manner that protects the public. NCBE continually strives to enhance its products and services to ensure that those in the bar admissions community have the best possible resources to carry out their mission. For more information about our future focus, I encourage you to check out the Looking Ahead sections throughout this publication to get a glimpse of several ambitious initiatives that NCBE is undertaking, including the transition of the Multistate Professional Responsibility Examination from a paper-based to a computer-based delivery platform, a brand-new website for NCBE’s Bar Examinermagazine, and a new eLearning platform for NCBE’s study aids.

In 2018, NCBE joined the world of social media, launching our Facebook, Instagram, LinkedIn, and Twitter pages for both NCBE and the Testing Task Force. We invite you to follow us as we continue to strive to enhance our communications with you.

Sincerely yours,

Michele A. (Missy) Gavagni
2018–2019 NCBE Board Chair
We are happy that you’re taking the time to learn about NCBE’s activities in 2018. Our dedicated staff and the volunteer members of our Board of Trustees and policy and drafting committees have had a busy and exciting year, and we have a lot to share about their accomplishments.

The details unfold on the pages herein, but the overarching theme for 2018 was that NCBE continued to strive to provide excellent test materials, services, and educational opportunities to all stakeholders in the legal admissions process. We engaged in collaborative leadership with others in legal education and admissions to explore, educate, and unite in a commitment to strengthen and diversify the legal profession, recognizing the important role that lawyers play in defending the rule of law. This Year in Review provides a glimpse of how we served you in 2018—whether you’re a member of the Court charged with regulating entry to the profession, a volunteer bar examiner, an admissions staff member, a member of the legal academy, or an examinee.

We appointed our Testing Task Force in 2018 (see page 5), and the progress already made by the Task Force should be of interest to all. We are mindful of the stakes involved in contemplating how the bar exam might change to align with how the practice of law is changing. Task Force members, NCBE staff, and the two independent research consulting firms supporting our study have been working hard to ensure that stakeholder input is considered and that the practice analysis we are undertaking as part of the study, planning for which started in late 2018, is transparent and empirically based.

We rolled out a new online character report application in 2018 aimed at providing faster and better service for both applicants and jurisdiction admissions staff. We also spent a good part of the year developing our new study aids eLearning platform, which will be ready to debut in time for those students preparing for the July 2019 exam and makes our high-quality and affordable study aids available in a new mobile-friendly platform. Our collaboration with the Council for Legal Education Opportunity (CLEO)—a 50-year entity with a proven track record of helping students from disadvantaged backgrounds and from groups underrepresented in the legal profession achieve law school success and, with NCBE’s support, bar exam success—is another step in our commitment to make bar exam success for all a reality.

The Uniform Bar Exam was adopted by four more jurisdictions in 2018 (and one more in early 2019), continuing the steady pace of UBE adoptions and the growing wave of graduates availing themselves of a portable score.

Many of the 2018 developments at NCBE are a continuation of efforts begun in late 2017, which will continue into 2019. And many are taking place here at NCBE behind the scenes in terms of planning, staffing, and use of technology to allow us to expand our educational and outreach imprint, communicate more effectively, partner with others to conduct research related to bar exam performance, improve the test development process, and enhance test security to ensure fair testing for all examinees.

As we reflect on 2018 and look forward to 2019, we are grateful for the hard work of so many volunteers on our Board of Trustees and our policy and drafting committees. Your service and expertise helped make 2018 the remarkable year it was.

Judith A. Gundersen
NCBE President
2018 Highlights

We launched a Testing Task Force, which is undertaking a three-year study to ensure that the bar examination continues to test the knowledge, skills, and abilities required for competent entry-level legal practice in a changing profession.

We offered a new MPRE question-writing workshop to train professional responsibility experts as question drafters, part of an initiative to broaden our pool of MPRE questions in preparation for transitioning the MPRE to a computer-based delivery platform.

We launched a redesigned and updated online character report application, enhancing the character and fitness investigations process for applicants and jurisdictions.

We launched organizational social media accounts as part of a broader initiative to enhance our communications with the bar admissions and legal education communities.

One more jurisdiction began administering the Uniform Bar Examination (UBE) in 2018; seven additional jurisdictions will begin administering it in 2019, 2020, or 2021, bringing the total number of UBE jurisdictions to 35.

We launched a new collaboration with the Council on Legal Education Opportunity, Inc. (CLEO) to support increased diversity and inclusion in the legal profession.

We named our Madison, Wisconsin, headquarters in honor of former NCBE President Erica Moeser.
What We Do

The National Conference of Bar Examiners, founded in 1931, is a not-for-profit corporation that develops licensing tests for bar admission and provides character and fitness investigation services. NCBE also provides testing, research, and educational services to jurisdictions; provides services to bar applicants on behalf of jurisdictions; and acts as a national clearinghouse for information about the bar examination and bar admissions.

Our Partnership with Jurisdictions

We develop and produce the licensing and professional responsibility tests used by most U.S. jurisdictions for admission to the bar. We help jurisdiction bar admissions processes run well from start to finish by providing support and training to jurisdiction administrators and graders, providing scoring and research services after each exam and on an as-needed basis, and conducting character and fitness investigations on behalf of jurisdictions. We provide financial and professional support to the Council of Bar Admission Administrators (CBAA).

Our Support for Applicants

We help streamline the process of applying for bar admission by providing score services and other admission-related services to applicants on behalf of jurisdictions and providing NCBE Accounts that offer applicants a one-stop secure web portal. We offer study aids with authentic bar exam and MPRE practice questions. Our website, www.ncbex.org, is a comprehensive resource for bar admission requirements in all U.S. jurisdictions and for information about our tests, character and fitness investigation services, score services, and study aids.

Our Collaboration with the Bar Admissions Community

We sponsor a wide range of educational events for jurisdiction bar examiners, bar admission administrators, and state Supreme Courts, and we conduct ongoing research relevant to bar admissions testing, as well as providing support for graduate student research in this area. Our quarterly publication, the Bar Examiner, provides comprehensive, authoritative information about topics of interest to the bar admissions community.

Our Commitment to the Legal Education Community

We sponsor educational events for legal educators and publish news and information of interest to the legal education community. We work with organizations that support students preparing for law school and the bar, advancing our shared goals and building foundations for the future of the legal profession.
In 2018, NCBE appointed a Testing Task Force charged with undertaking a three-year study to ensure that the bar examination continues to test the knowledge, skills, and abilities required for competent entry-level legal practice in a changing profession. For more information about the study, visit www.testingtaskforce.org.

In 2018, the Task Force

- selected two independent consultants to conduct research for its study;
- developed a three-phase research plan to accomplish its work;
- began planning Phase 1 listening sessions to gather stakeholder input about the future of the bar exam;
- recruited lawyers to participate in Phase 2 focus groups and provide insights into changes in the legal profession and what knowledge, skills, and abilities new lawyers need; and
- launched a website, started a blog, and established a presence on social media.

PHASES OF TASK FORCE STUDY

1. Stakeholder Research
2. Future-Focused Practice Analysis
3. Bar Examination Program Design and Test Components Design

STUDY TIMELINE
(September 2018 – September 2020)

In 2019, the Task Force will continue to hold stakeholder listening sessions and focus groups across the country, and a practice analysis survey will be distributed nationwide. The first phase of the Task Force’s study and most of the second phase are scheduled to be completed by the end of 2019.

Subscribe for news and updates at www.testingtaskforce.org.
NCBE is governed by a 12-member Board of Trustees and a president. Trustees have extensive backgrounds in bar admissions and are drawn from a range of jurisdictions.

Our Volunteers

NCBE draws great strength from a diverse group of committed volunteers who serve on its Board of Trustees and its policy and drafting committees.

94 staff members work at NCBE’s headquarters in Madison, Wisconsin. Staff members work in the following departments: Accounting; Communications; Corporate; Human Resources & Operations/Facilities; Information Technology; Investigations; Legal, Test Accommodations & Licensing; Meetings & Education; Strategy & Test Security; Test Operations; and Testing & Research.

12 Board of Trustees members
76 policy committee members
65 exam drafting committee members

NCBE is governed by a 12-member Board of Trustees and a president. Trustees have extensive backgrounds in bar admissions and are drawn from a range of jurisdictions.

2018–2019 Board of Trustees Members’ and President’s Home Jurisdictions

Not shown:
- Guam
- Northern Mariana Islands
- Palau
- Puerto Rico
- Virgin Islands
Additionally, we are advised by the 76 members of NCBE’s nine policy committees. In 2018–2019 the committee members, from 43 jurisdictions, include current and former bar examiners, bar admission administrators and staff, justices, and judges. Members are appointed by the chair of the Board of Trustees in consultation with the president and subject to Board of Trustees approval. Each committee is supported by one or more NCBE staff members.

2018–2019 Policy Committee Members’ Home Jurisdictions

NCBE exams are written by the 65 members of NCBE’s 10 exam drafting committees: seven MBE committees (one for each subject) and one committee each for the MEE, the MPT, and the MPRE. The 2018–2019 drafting committee members, from 26 jurisdictions, include practicing attorneys, judges, and faculty members from 35 different law schools. Each committee is supported by one or more NCBE staff members, including at least one attorney editor.

2018–2019 Drafting Committee Members’ Home Jurisdictions

Policy Committees

- Character and Fitness Investigations
- Diversity Issues
- Editorial Advisory
- Education
- Multistate Bar Examination
- Multistate Essay Examination/Multistate Performance Test
- Multistate Professional Responsibility Examination
- Technology
- Uniform Bar Examination

Drafting Committees

- Multistate Bar Examination:
  - Civil Procedure
  - Constitutional Law
  - Contracts
  - Criminal Law and Procedure
  - Evidence
  - Real Property
  - Torts
- Multistate Essay Examination
- Multistate Performance Test
- Multistate Professional Responsibility Examination
In 2018 our Meetings & Education Department managed 56 educational events and volunteer meetings. NCBE produces and hosts a wide range of educational events for bar examiners, bar admission administrators, legal educators, judges, and justices. NCBE underwrites all or some of the cost of attendance at these educational events for jurisdictions.

Our Board of Trustees and policy committees meet regularly to evaluate current policies and practices and to recommend changes and improvements. Our drafting committees meet two to three times during the year to write and review exam questions. NCBE’s Testing Task Force meets regularly as part of its three-year study of the bar examination.

In addition, NCBE staff members travel to provide training and information to jurisdictions and to participate in conferences related to bar admissions and testing.

**Educational Events, Meetings, and Outreach**

<table>
<thead>
<tr>
<th>Educational Events</th>
<th>Board of Trustees Meetings</th>
<th>Policy Committee Meetings</th>
<th>Drafting Committee Meetings</th>
<th>Testing Task Force Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>4</td>
<td>17</td>
<td>22</td>
<td>5</td>
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In Philadelphia, Pennsylvania
May 2018

The Annual Bar Admissions Conference brings together bar admission administrators, bar examiners, board members, and state Supreme Court justices from across the country every spring to discuss current and future issues in testing, character and fitness, and legal education. NCBE covers the full cost of attendance for up to three designated representatives and one state Supreme Court justice from each jurisdiction.

**Annual Bar Admissions Conference**

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May 2018

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The 2018 conference was attended by 366 participants from 54 jurisdictions.
Additional Educational Events

In addition to the Annual Bar Admissions Conference, NCBE sponsors two annual meetings for the Council of Bar Admission Administrators, Grading Workshops for MEE and MPT graders following the February and July bar exams, and additional workshops and seminars throughout the year.

CBAA Meetings

NCBE sponsors two annual meetings for the Council of Bar Admission Administrators (CBAA). The NCBE/CBAA Annual Meeting and the CBAA Fall Meeting both provide time to conduct CBAA business and offer CBAA members opportunities for education and for the exchange of ideas with colleagues from around the country. NCBE covers the full cost of attendance for those serving in CBAA leadership positions or as chairs of CBAA committees.

Workshops and Seminars

Grading Workshops
February and July 2018, Madison, Wisconsin

<table>
<thead>
<tr>
<th>February 2018</th>
<th>July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 graders from 39 jurisdictions participated in the grading workshop—46 in person, 119 by conference call, and 235 by on-demand video.</td>
<td>441 graders from 41 jurisdictions participated in the grading workshop—47 in person, 123 by conference call, and 271 by on-demand video.</td>
</tr>
</tbody>
</table>

MPRE Question-Writing Workshop
Madison, Wisconsin
May 2018

22 participants from 16 jurisdictions

This workshop, offered for the first time in 2018, provided training and hands-on practice for new MPRE subject matter experts.

Best Practices in Testing
Madison, Wisconsin
October 2018

64 participants from 40 jurisdictions

Best Practices in Testing featured a completely revised and updated program in 2018, providing bar examiners with targeted training in the key elements of a high-stakes licensing examination: testing, grading, scoring, and exam administration.

New Bar Admission Administrators Mini-Seminar
Madison, Wisconsin
October 2018

12 participants from 8 jurisdictions

This mini-seminar built on the information provided in Best Practices in Testing and familiarized new bar admission administrators with other resources and services offered by NCBE.
Our Tests

The Multistate Bar Examination (MBE), Multistate Essay Examination (MEE), and Multistate Performance Test (MPT) are administered by user jurisdictions as part of the bar examination in February and July each year. The Multistate Professional Responsibility Examination (MPRE) is administered by NCBE through its test contractor three times per year.

The Multistate Bar Examination (MBE) is a six-hour, 200-question multiple-choice examination covering Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts. The purpose of the MBE is to assess the extent to which an examinee can apply fundamental legal principles and legal reasoning to analyze given fact patterns.

The Multistate Essay Examination (MEE) consists of six 30-minute questions. Areas of law tested on the MEE: Business Associations, Civil Procedure, Conflict of Laws, Constitutional Law, Contracts (including Article 2 [Sales] of the Uniform Commercial Code), Criminal Law and Procedure, Evidence, Family Law, Real Property, Torts, Trusts and Estates, and Article 9 (Secured Transactions) of the Uniform Commercial Code. The purpose of the MEE is to test the examinee’s ability to (1) identify legal issues raised by a hypothetical factual situation; (2) separate material which is relevant from that which is not; (3) present a reasoned analysis of the relevant issues in a clear, concise, and well-organized composition; and (4) demonstrate an understanding of the fundamental legal principles relevant to the probable solution of the issues raised by the factual situation. The primary distinction between the MEE and the MBE is that the MEE requires the examinee to demonstrate an ability to communicate effectively in writing.
The Multistate Performance Test (MPT) consists of two 90-minute tasks requiring the application of fundamental lawyering skills in a realistic situation. Skills tested are factual analysis, legal analysis and reasoning, problem solving, identification and resolution of ethical dilemmas, written communication, and organization and management of a legal task. The MPT is not a test of substantive knowledge. Rather, it is designed to evaluate certain fundamental skills lawyers are expected to demonstrate regardless of the area of law in which the skills are applied.

46 jurisdictions used the MPT in 2018.

Not shown:
- Guam
- Northern Mariana Islands
- Palau
- Puerto Rico
- Virgin Islands

The Multistate Professional Responsibility Examination (MPRE) is a two-hour, 60-question multiple-choice examination. The purpose of the MPRE is to measure examinees’ knowledge and understanding of established standards related to the professional conduct of lawyers.

53 jurisdictions used the MPRE in 2018.

Not shown:
- Guam
- Northern Mariana Islands
- Palau
- Puerto Rico
- Virgin Islands

In August 2019, NCBE, in partnership with Pearson VUE, will begin transitioning the MPRE from a paper-based to a computer-based delivery platform. There will be no changes to the question format, content, or scoring of the MPRE. For the August 2019 and November 2019 administrations, a limited number of examinees will be selected at random during the registration process to take the computer-based exam at a Pearson VUE testing center. All examinees will take the computer-based MPRE beginning in March 2020.
The Uniform Bar Examination (UBE) is uniformly administered, graded, and scored and results in a portable score that can be transferred to other UBE jurisdictions. The UBE is composed of the MEE, two MPT tasks, and the MBE. Jurisdictions that adopt the UBE may also require applicants to complete a jurisdiction-specific component, such as a course or test on jurisdiction-specific law.

UBE jurisdictions agree to certain administrative policies in order to generate scores that qualify to be certified by NCBE as UBE scores. UBE jurisdictions independently set other policies, such as establishing their own passing scores and determining how long incoming UBE scores will be accepted. Since the UBE’s inception, jurisdictions have been actively involved in shaping UBE policies and implementing best practices. Representatives from UBE jurisdictions discuss administrative issues as needed and make recommendations to NCBE’s Board of Trustees with respect to policy decisions related to the UBE.

Number of jurisdictions that have adopted the UBE

28 jurisdictions administered the UBE in 2018.
7 additional jurisdictions will begin administering the UBE in 2019, 2020, or 2021.

Dates indicate the year each jurisdiction first administered, or will administer, the UBE.

Not shown:
- Guam
- Northern Mariana Islands
- Palau
- Puerto Rico
- Virgin Islands

Our Tests (continued)

Uniform Bar Examination

28,292 UBE scores earned in 2018
4,989 UBE scores transferred in 2018

Number of UBE Scores Earned by Year, 2014–2018

2014 7,641
2015 7,537
2016 19,120
2017 26,897
2018 28,292

Table: Number of UBE Scores Earned by Year, 2014–2018

<table>
<thead>
<tr>
<th>Year</th>
<th>UBE Scores Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>7,641</td>
</tr>
<tr>
<td>2015</td>
<td>7,537</td>
</tr>
<tr>
<td>2016</td>
<td>19,120</td>
</tr>
<tr>
<td>2017</td>
<td>26,897</td>
</tr>
<tr>
<td>2018</td>
<td>28,292</td>
</tr>
</tbody>
</table>

Our Tests (continued)
Score-Related Services

Score Scaling Services

NCBE offers score scaling services to scale the written components of the bar exam to the MBE. This service is available to all jurisdictions at no charge and is performed by NCBE’s team of psychometric professionals.

35 jurisdictions used NCBE’s score scaling services in 2018.

Score Services

NCBE offers the following score services to jurisdictions and examinees after original score reporting:

- MPRE score transfers to jurisdictions and unofficial score transcripts to examinees
- MBE score transfers to jurisdictions and score releases to examinees
- official UBE score transcripts to jurisdictions and unofficial UBE score transcripts to examinees

Score Services in 2018

<table>
<thead>
<tr>
<th>Score Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPRE scores transferred to jurisdicitions</td>
<td>16,744</td>
</tr>
<tr>
<td>MPRE score transcripts released to examinees</td>
<td>6,542</td>
</tr>
<tr>
<td>MBE scores transferred to jurisdictions</td>
<td>1,492</td>
</tr>
<tr>
<td>MBE scores released to examinees</td>
<td>918</td>
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<tr>
<td>UBE score transcripts transferred to jurisdictions</td>
<td>4,989</td>
</tr>
<tr>
<td>UBE score transcripts released to examinees</td>
<td>1,594</td>
</tr>
</tbody>
</table>

NCBE Numbers

An applicant’s NCBE Number serves as a unique identifier for MBE, UBE, and MPRE scores and other admission-related purposes. Jurisdictions that administer the MBE are strongly encouraged to use NCBE Numbers to facilitate identification of examinees across jurisdictions and administrations.

50 of the 54 jurisdictions that used the MBE in 2018 included NCBE Numbers as an identifier for their examinees’ scores.
NCBE’s Testing & Research Department, which consists of eight full-time staff members with expertise in educational measurement, psychometrics, and statistics, performs equating, scoring, and statistical analysis (including analysis of pretest item performance) for each MBE and MPRE administration. The department also conducts research in partnership with jurisdictions—for example, to determine the potential impact on test scores of irregular testing conditions such as noise or other disruptions, or to analyze examinee performance. A Technical Advisory Panel of measurement experts provides technical and psychometric guidance to the Testing & Research Department and to NCBE’s Testing Task Force.

In 2018, NCBE conducted research for 18 jurisdictions.


In addition, NCBE’s Testing & Research Department prepared data forensics reports analyzing response patterns for 69 cases in which examinees were suspected of cheating.

Joe E. Covington Award

NCBE’s annual Joe E. Covington Award for Research on Testing for Licensure is intended to provide support for graduate students in any discipline doing research germane to testing and measurement, particularly in a high-stakes licensure setting. The award honors Joe E. Covington, a former dean of the University of Missouri–Columbia School of Law who was the first Director of Testing for NCBE.

The 2018 Covington Award recipient was Stella Kim, University of Iowa Center for Advanced Studies in Measurement and Assessment, for her project “Multidimensional Item Response Theory Equating for Domain-Based Tests.”
Study Aids

We offer study aids for all our tests, available for purchase online at the NCBE Study Aids Store; additional study aids are available free of charge on the NCBE website.

In 2018, we offered Online Practice Exams (OPEs) for the MBE and the MPRE. OPEs include annotations by the experts who write the questions and permit examinees to take an exam timed or untimed, receive feedback on answers, and obtain a customized score report designed to help identify strengths and weaknesses. In addition, we offered an MBE Study Aid with questions grouped by subject, MEE Questions and Analyses, and MPTs and Point Sheets.

Number of Study Aids Purchased in 2018

<table>
<thead>
<tr>
<th></th>
<th>MBE</th>
<th>MPRE</th>
<th>MBE Study Aid</th>
<th>MEE Study Aids</th>
<th>MPT Study Aids</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPEs</td>
<td>2,371</td>
<td>3,710</td>
<td>1,339</td>
<td>3,344</td>
<td>1,471</td>
</tr>
<tr>
<td>STUey AID</td>
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In early 2019, we will begin offering our high-quality, affordable study aids in a new mobile-friendly eLearning platform that will provide authentic bar exam and MPRE practice questions with interactive learning features and an improved user experience. In addition to the new eLearning features, the study aids have been updated to include:

- Civil Procedure questions in the MBE practice tests;
- feedback about relative strengths and weaknesses across MBE subject areas;
- MPT questions organized by objective and persuasive lawyering tasks;
- MEE questions organized by subject area; and
- a dashboard for law school bulk purchasers to track students’ usage and performance patterns.

The redesigned study aids will be available for purchase through the NCBE Study Aids Store, replacing the study aids that were previously offered there.
NCBE provides investigation services to support jurisdiction character and fitness requirements for law student registration, bar examination, UBE transfer, motion, in-house counsel, and foreign legal consultant applications. NCBE also offers an online character report application that jurisdictions may use in conjunction with our investigation services or separately. A redesigned and updated version of the online application was launched in early 2018.

Our Online Verification process allows jurisdictions and law schools to electronically receive and respond to NCBE’s investigation inquiries related to information reported by applicants in their character report applications.

Our Cross-Reference service is a tool offered to jurisdictions to investigate whether applicants have previously submitted any type of application to another jurisdiction.

In 2018, NCBE conducted 12,121 character and fitness investigations on behalf of 28 jurisdictions.

Character and Fitness Investigations

- Jurisdictions used our investigation services: 28
- Jurisdictions used our online character report application: 26
- Jurisdictions received investigations reports online: 26
- Jurisdictions used our Online Verification process: 46
- Jurisdictions participated in our Cross-Reference service: 45
The Bar Examiner, published quarterly, provides comprehensive, authoritative information on current issues in bar admissions and legal education and features annual bar examination and admission statistics by jurisdiction. A regular column written by members of NCBE’s Testing & Research Department analyzes trends in bar exam performance and explains key testing concepts. The Bar Examiner is published as a service to courts, the legal academy, bar admission administrators, members of bar examining boards and character committees, and others with particular interest in the bar admissions process.

Statistics
NCBE collects statistics from all U.S. jurisdictions on the February and July administrations of the bar examination and on annual admissions. These statistics, along with national score distributions, examinee counts, and mean scaled scores for the Multistate Bar Examination (MBE) and the Multistate Professional Responsibility Examination (MPRE), and scores earned and transferred by jurisdiction for the Uniform Bar Examination (UBE), are published annually in the Spring issue of the Bar Examiner.

In 2019, we will launch a new website dedicated to the Bar Examiner, designed to be a central source of information for those interested in bar admissions. The website will feature articles organized by topic and will display the annual statistics in an interactive format.

Subscribe to the Bar Examiner online magazine at www.thebarexaminer.org.
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