MEMORANDUM

DATE: April 30, 2020

TO: Diane Bosse, Chair
    William Adams, Managing Director
    Members of the Council
    Section of Legal Education and Admissions to the Bar

FROM: Judith A. Gundersen, President
      Hon. Cynthia Martin, Chair
      National Conference of Bar Examiners

RE: Report from NCBE

Thank you for this opportunity to supply information regarding NCBE’s recent activities and ongoing efforts to adapt to the many challenges of testing during the COVID-19 crisis. We offer our wishes that you stay in good health. Our staff, volunteers, and board members are doing what we can to address the licensing needs of the class of 2020. We recognize the very difficult position they’ve been put in as a result of the virus.

Everyone at NCBE welcomes Bill Adams to his new position as Managing Director. We wish you well, especially as you take the reins during such a difficult time for legal education, admissions, and employment. We also wish Barry Currier well in what is definitely not a retirement! We will miss him but welcome the opportunity to work with Bill.

COVID-19 Response
To provide needed flexibility for jurisdictions and candidates, in addition to preparing materials for a July bar exam, NCBE will make bar exam materials available for two in-person, fall administrations in 2020: September 9–10 and September 30–October 1. Each jurisdiction will determine whether to offer the exam in July, in early September, or in late September. Some jurisdictions are opting to administer a July exam and one of the fall exams. Seats will be limited, so examinees may not apply for multiple administrations.

NCBE is being proactive and continuing to explore solutions for as many scenarios as we can anticipate should the exam not be administered in person. We are consulting with outside testing vendors and technology and exam security experts to consider various options and alternative methods of testing if the traditional group setting must be canceled or modified.
NCBE will continue to monitor the coronavirus (COVID-19) situation closely. The health and safety of bar applicants and of our employees and volunteers are of paramount importance to us. We will continue to update our COVID-19 pages as new information becomes available. Please visit our [NCBE COVID-19 Updates page](#) as information changes daily.

**February 2020 MBE**

The national Multistate Bar Examination mean scaled score for February 2020 was 132.6, a decrease of about 1.4 points from the February 2019 mean of 134.0. After score increases in 2019, this decrease returns to the downward trend in February performance that was seen between 2014 and 2018. A total of 19,122 examinees sat for the MBE in February 2020, about 10% fewer compared to the 21,316 examinees who sat in February 2019.

In general, the average decrease in mean MBE scores from February 2019 to February 2020 was attributable to lower performance across the collective group of likely repeat test takers, who continue to represent more than two-thirds of February examinees. First-time takers in February 2020 fared about the same as first-time takers in February 2019 in that their scores declined by 0.3 points.

Of the 52 jurisdictions administering the MBE in February 2020, 15 had higher MBE scores than in February 2019 while 37 had lower scores. The reliability in February 2020 was 0.93, slightly higher than that from February 2019 (0.92), which makes it a new high for a February administration. As is our custom, NCBE engaged with the Center for Advanced Studies in Measurement and Assessment (CASMA) to conduct real-time equating to verify our scoring.
March 2020 MPRE
The national Multistate Professional Responsibility Examination mean scaled score for March 2020 was 95.8, an increase of about two points from the March 2019 mean of 93.8 and the highest mean score for a March/April MPRE administration since 2012. Over 17,000 examinees sat for the MPRE in March 2020, about 11% fewer compared to the 19,138 examinees who took the exam in March 2019. The March 2020 exam was the first fully computer-based MPRE administration at Pearson VUE test centers.

COVID-19 stay-at-home orders had not yet been issued, but about 750 candidates opted to cancel their appointments and were refunded full fees.
Testing Task Force
The NCBE Testing Task Force has published its Phase 2 report, which details the results of the practice analysis it conducted last year.

The demographic results indicate that respondents included a broad range of newly licensed and experienced lawyers who worked in a variety of practice settings and who represented a total of 56 jurisdictions (many were licensed in multiple jurisdictions).

Respondents also represented a wide variety of practice areas. The most common practice clusters included Criminal Law, Business Law, and Personal Injury. About one-third of practicing lawyers worked in one of these areas. Another one-fifth worked in practice clusters such as Family Law, Business Litigation, Real Estate Law, and Wills, Estates, and Trusts—the types of service likely to be needed by the typical consumer and areas that are also common to lawyers in small or solo practices.

The largest group of survey respondents was White or Caucasian (79.3%), followed by Asian or Asian American (4.8%) and Black or African American (4.4%); 5.3% of respondents were of Hispanic descent. The percentages of respondents by race and ethnicity are in line with the overall US population of lawyers based on the ABA Profile.

View the Testing Task Force Phase 2 Report: 2019 Practice Analysis for complete details, and please visit the Testing Task Force website to subscribe for updates on Task Force progress in Phase 3 of the study. By the end of 2020, the Testing Task Force will make recommendations to NCBE’s Board of Trustees about what content the next generation of the bar exam should test and how that content should be tested. These recommendations will be based on the work already completed in Phase 1 (stakeholder listening sessions) and Phase 2 (practice analysis) of our study, as well as the work currently under way in Phase 3 (program redesign).

Additional Resources
The Bar Examiner website is the online version of our print magazine. Visit the website (https://thebarexaminer.org/) or subscribe here: https://thebarexaminer.org/subscribe/.

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