MEMORANDUM

DATE: November 1, 2019

TO: Diane Bosse, Chair
    Barry Currier, 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 inviting NCBE to attend your meeting. We are honored to make a presentation about NCBE’s recent activities and to give you exam-related information.

July 2019 MBE Scores
The national Multistate Bar Examination (MBE) mean scaled score for July 2019 was 141.1, an increase of 1.6 points from the July 2018 mean of 139.5. This increase is a rebound from the drop in the MBE mean score observed between July 2017 and July 2018 and marks the largest increase compared to the previous July’s mean since July 2008. A total of 45,334 examinees sat for the MBE in July 2019, a nominal increase of one tenth of one percent (0.1%) compared to the 45,274 examinees who tested in July 2018. Most states, but not all, have seen increases in their pass rates over July 2018.

July MBE National Examinee Counts, 2015–2019

![July MBE National Examinee Counts, 2015–2019](chart)
The percentage of July examinees who were likely first-time test takers (about 65%) was steady, as was the percentage of examinees who had likely taken and passed the bar exam on a previous attempt (about 2%) and the percentage of examinees who had likely taken but not passed the bar exam on a previous attempt (about 23%). The percentage of examinees who, because of limited available information, are not identifiable as either first-time or repeat test takers also remained steady at about 10%. The MBE mean score increased for all July 2019 examinee groups except for repeaters who had not passed the bar exam on a previous attempt, with the largest increase (about 2 points) observed for first-time test takers.

**Testing Task Force**
Since I last reported to this Council in May, the NCBE Testing Task Force (TTF) has published the Testing Task Force First Year Report, and the TTF has made public the Executive Summary and Full Reports of the 10 listening sessions conducted with stakeholders as part of Phase 1 of the three-year study. (Please see Attachment 1.) Phase 2 of the study included a nationwide practice analysis survey on the competencies of newly licensed lawyers. The survey closed in early October, and we are starting to analyze the wealth of data collected. The survey results will highlight not only core competencies across practice areas, but also trends in the profession based on geographic locations, practice settings, gender, etc. The input we gathered from stakeholders, along with the results of the practice analysis, will be the foundation for the Task Force’s work during the final phase of our study, when we will develop test design options and content of the next generation of the bar exam.

Visit the Testing Task Force website, [https://www.testingtaskforce.org](https://www.testingtaskforce.org), to subscribe for updates on Task Force progress.
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, and 33 administered it in July 2019, including Maryland and Illinois for the first time. (Please see Attachment 1.) About 136,000 examinees have earned UBE scores, and more than 18,700 have transferred UBE scores thus far, almost 1,800 of which have been transferred thus far in 2019 (800 of which are July 2019 score transfers).

MPRE Transitions to CBT
NCBE staff members have been planning for almost two years to convert the Multistate Professional Responsibility Examination (MPRE) from a paper-based test (PBT) to a computer-based test (CBT) to be administered at Pearson VUE centers. As a part of our transition to CBT, during the August 2019 administration, over 4,200 examinees were randomly selected to test at Pearson VUE centers across the country to ensure that the test performed the same on computer as on paper and to allow our staff to manage the CBT administration on a limited basis. The inaugural albeit limited administration was a success in terms of the examinee experience, our data exchange with Pearson VUE, and test performance.

We will continue the transition to CBT with another 5,000 examinees diverted to Pearson Vue centers for the November 2019 administration before we test all examinees on computers at Pearson VUE centers beginning with the March 2020 MPRE. The exam will remain an “event-based” test—three administrations in spring, summer, and fall; each exam event will be administered over a two-day period. We have sent law school deans, academic support, and career services offices information about this MPRE transition. (Please see Attachment 2.) More information about the MPRE delivery transition is also forthcoming in our fall edition of the Bar Examiner, available now at www.thebarexaminer.org.

Applying for accommodations on the MPRE will change in that the CBT accommodations applications process will be separate from MPRE exam registration; that is, an MPRE examinee seeking an accommodation should submit the accommodation request and materials before registering for any one of the of the three exam windows. Our 2020 accommodations application period opened on October 21, 2019; several examinees have already submitted applications and supporting materials. Examinees granted an accommodation may be able to use that decision for any one of the three 2020 MPRE administration registrations. Exam registration and seat assignment for all 2020 examinees opens on December 16, 2019. More details can be found at http://www.ncbex.org/exams/mpre/ada-accommodations.
NCBE Academic Support Conference
NCBE hosted an invitational academic support/bar prep conference in Madison, September 16-18, to help bridge the gap between law schools and the bar exam. NCBE Testing staff members and MBE and MPT drafting committee members trained attendees to write high-quality multiple-choice questions for formative assessment and helped attendees understand what essay and MPT graders seek in bar exam answers. Sixty-six participants from 62 different law schools attended.

NCBE Conference for New Bar Admissions Administrators
Each year, NCBE sponsors new admissions employees to come to NCBE’s office for training and orientation. We will host six new admissions employees next month for this event.

NCBE/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, 120 current and former law students have enrolled in the NCBE-funded CLEO Bar Passage Program, and multiple webinars and mentoring sessions have been completed. Program evaluation is ongoing; results have been positive so far. We are excited to continue the CLEO partnership into the upcoming year.

Pass/Fail Reports
For the past six years, NCBE has provided assistance to eleven jurisdictions to produce pass/fail reports for law schools after February and July exam administrations. Since 2013, NCBE staff has mailed confidential pass/fail information for nearly 27,000 examinees to the dean of the ABA accredited law school listed on each person’s exam registration. We have undertaken this to eliminate the administrative burden on admissions offices and help law schools with their Standard 509 reporting obligations.

Most jurisdictions permit release of pass/fail results to law schools; some, however, have rules that prevent them from releasing results to anyone other than the examinee. We are in the midst of contacting all jurisdictions to ensure we still have an accurate count of who does and who doesn’t share pass/fail, and who still needs NCBE to send this information. We are investigating more efficient ways to get this information to schools, including whether the dean is the best person to whom to address this material. We are planning to implement new processes in 2020.

MPRE Data Sharing
NCBE has been asked to provide MPRE scores to law schools to help them identify students whose MPRE scores indicate they might be at risk of poor bar exam performance. We are working with three pilot schools to provide aggregated score data. In the longer run, if we shared examinee-level score data with law schools, we’d need to obtain consent from examinees. We will continue to work with these pilot law schools to develop a plan to report MPRE aggregate or individual score information.
**Director of Assessment Design and Delivery**
NCBE is pleased to announce that Dr. Mark Raymond has joined our testing department in the newly created role of Director of Assessment Design and Delivery. He brings over 30 years of experience establishing and maintaining large-scale assessment programs and has produced more than 150 presentations and articles on test specifications, performance assessment, applied psychometrics, and research methods. Dr. Raymond spent the last 11 years as the Principal Assessment Scientist and Research Director for the National Board of Medical Examiners.

**Board Leadership**
NCBE is pleased to announce our 2020 Board leadership:

- Hon. Cynthia L. Martin, MO (Chair)
- Michele A. Gavagni, FL (Immediate Past Chair)
- Hulett H. (Bucky) Askew, GA (Chair-Elect)
- Suzanne K. Richards, OH (Secretary)

We also welcome new board member Ann Scott Timmer, Vice Chief Justice of the Arizona Supreme Court.
**36 UBE Jurisdictions**

33 jurisdictions currently administer the UBE. 3 jurisdictions will begin administering the UBE at a future administration (Arkansas, February 2020; Ohio, July 2020; Texas, February 2021).

Note: The Uniform Bar Examination (UBE) results in a portable score that can be used to apply for admission in other UBE jurisdictions.

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**In what order did jurisdictions adopt the UBE?**

Note: UBE jurisdictions are listed in order of adoption, not in order of first administration.

- **2010**
  - Missouri
  - North Dakota

- **2011**
  - Washington
  - Alabama

- **2012**
  - Idaho
  - Utah
  - Montana
  - Wyoming

- **2013**
  - New Hampshire
  - Minnesota
  - Alaska

- **2015**
  - Kansas
  - New York
  - Iowa
  - Vermont
  - New Mexico

- **2016**
  - South Carolina
  - District of Columbia
  - New Jersey
  - West Virginia
  - Connecticut
  - Massachusetts
  - Oregon

- **2017**
  - Maine
  - Virgin Islands
  - North Carolina
  - Maryland

- **2018**
  - Tennessee
  - Rhode Island
  - Illinois
  - Ohio

- **2019**
  - Texas
  - Arkansas

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**NCBE’s Testing Task Force**

From November 2018 through June 2019, over 400 people from across the country participated in 30 in-person and virtual stakeholder listening sessions conducted by NCBE’s Testing Task Force to gather feedback on NCBE’s current tests.

As of July 31, 2019, 53 jurisdictions have agreed to distribute the Task Force’s nationwide practice analysis survey to its attorneys.

Read more about the Task Force’s stakeholder listening sessions and practice analysis survey in this issue’s Testing Task Force Quarterly Update on page 37.
2020 MPRE DATES & DEADLINES

The Multistate Professional Responsibility Examination (MPRE) is a two-hour, 60-question multiple-choice examination developed by NCBE.

NEW FOR 2020: The MPRE is administered as a computer-based test at over 275 Pearson VUE testing centers.

2020 Test Administration Dates

- MARCH 12/13
- AUGUST 11/12
- OCTOBER 23/28

Registration Deadlines

- FEBRUARY 12
- JUNE 25
- SEPTEMBER 14

Fee: $135

2020 Registration Opens

December 16, 2019

Testing center location and capacity will determine whether one or both test days are available for scheduling for each administration. Schedule your appointment to test as soon as possible to maximize the dates, times, and locations available to you.

IMPORTANT: A new MPRE test accommodations process has been implemented for 2020.

Visit www.ncbex.org/mpre for more information about the exam, to register, and to learn about the new accommodations process.

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