

2015



National Conference of Bar Examiners

Year in Review

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National Conference of Bar Examiners
302 South Bedford Street
Madison, WI 53703
www.ncbex.org



*Hon. Thomas J. Bice,
2015–2016 NCBE Board Chair*

The National Conference of Bar Examiners is a not-for-profit corporation located in Madison, Wisconsin. Included in this inaugural Year in Review publication is a summary of what NCBE does as it relates to its mission, and an overview of the work NCBE conducted during 2015.

The primary focus of this institution is to assist those in the bar admissions community by providing standardized, uniform,

and high-quality testing materials for use by jurisdictions for licensing those seeking to gain admission to the bar. These exams are the work product of professionals at multiple levels of preparation and review. Judges, practitioners, and law school professors, along with NCBE's professional editorial staff, are fully engaged in this test preparation and review process.

The Conference also provides training and additional services to jurisdictions. Grader training and workshops on a variety of topics are routinely offered by NCBE. Testing services include the scoring of the Multistate Bar Examination and the Multistate Professional Responsibility Examination, with scores then reported to the jurisdictions. Psychometric research and consulting are provided relative to scoring procedures and construction of the individual tests. NCBE also provides character and fitness investigation services to the jurisdictions concerning their applicants.

As part of its commitment to education and to working with the legal education and bar admissions communities, NCBE produces annual educational events related to bar admissions, and it publishes a quarterly magazine covering bar admission issues.

Ensuring the competence of those entering the legal field, and maintaining the integrity of that process and the profession, is paramount to NCBE—a priority that is represented in the pages of this publication.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Bice'.

Hon. Thomas J. Bice
2015–2016 NCBE Board Chair



Erica Moeser, NCBE President

NCBE is delighted to launch this new publication and to share it with all those who are interested in knowing more about what we do. Founded in 1931 with seed money from the American Bar Foundation, this organization has strived throughout the years to furnish a crossroads for best practices in the licensing of lawyers and to serve as a service bureau to boards of bar examiners and the courts that oversee them.

This edition offers a snapshot of NCBE in the year 2015 and the many people—volunteers and staff—who participated in fulfilling our nonprofit mission. Many hands and minds were at work, as you will see when you browse the facts and figures we have assembled.

The breadth and depth of volunteer involvement is one of the aspects of NCBE that may come as a surprise to those who are unfamiliar with our endeavors. Contributors include the drafters who write and edit our test material, and the examiners and administrators from around the country who serve on committees that make policy recommendations to NCBE’s Board of Trustees. We are a robust community working to bring fairness to all aspects of the bar admissions process.

Of course, 2015 lies behind us, and already there are updates that we will report in our next edition. Perhaps the most noteworthy change is to the number of Uniform Bar Examination jurisdictions, now standing at 25 mid way through 2016.

We welcome your comments and recommendations as we create the next edition of this publication.

Best wishes,

Erica Moeser
NCBE President

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, and acts as a national clearinghouse for information about the bar examination. We

- develop the licensing tests used by most U.S. jurisdictions for admission to the bar: the Multistate Bar Examination (MBE), the Multistate Essay Examination (MEE), and the Multistate Performance Test (MPT);
- develop and coordinate the Uniform Bar Examination (UBE), which results in score portability;
- develop and administer the Multistate Professional Responsibility Examination (MPRE);
- score the MBE and MPRE and report scores to the jurisdictions;
- host MEE and MPT grading workshops following each examination administration;
- provide grader training to individual jurisdictions;
- conduct psychometric research;
- offer psychometric consulting services to jurisdictions;
- provide character and fitness investigation services to jurisdictions;
- provide a secure web portal for jurisdictions to access investigation and testing services, educational event registration, and other information;
- provide score services and other admission-related services on behalf of jurisdictions to their applicants via secure NCBE Accounts accessible through our website, www.ncbex.org;
- produce study aids for applicants, including online practice exams for the MBE and MPRE;
- provide financial and staff support to the Council of Bar Admission Administrators (CBAA);
- produce and host educational events related to bar admissions; and
- publish general information about the bar admissions process.

Our Mission

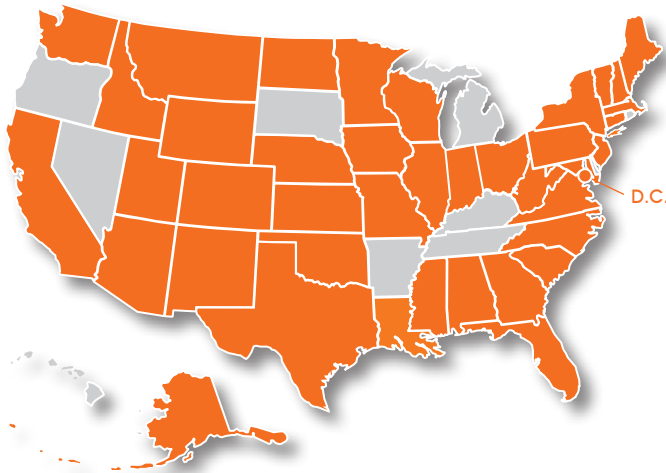
- to work with other institutions to develop, maintain, and apply reasonable and uniform standards of education and character for eligibility for admission to the practice of law; and
- to assist bar admission authorities by
 - providing standardized examinations of uniform and high quality for the testing of applicants for admission to the practice of law,
 - disseminating relevant information concerning admission standards and practices,
 - conducting educational programs for the members and staffs of such authorities, and
 - providing other services such as character and fitness investigations and research.





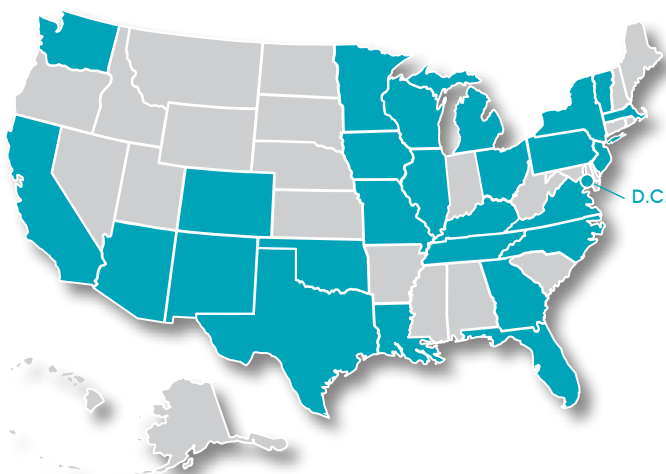
Additionally, we are advised by nine policy committees whose members in 2015–2016 come from 41 jurisdictions and include current and former bar examiners, bar admission administrators and staff, justices, and judges. Members are appointed by the chair of the Board of Trustees in consultation with the president and subject to Board of Trustees approval. Each committee is supported by an NCBE staff member.

2015–2016 Policy Committee Members' Home Jurisdictions



NCBE exams are written by the 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 2015–2016 drafting committee members include practicing attorneys, judges, and faculty members from 27 jurisdictions and 33 different law schools. Each committee is supported by an NCBE staff member.

2015–2016 Drafting Committee Members' Home Jurisdictions



Our Staff 82

staff members work at NCBE's headquarters in Madison, Wisconsin. Staff members work in the following departments: Corporate, Education, Finance, Information Technology, Investigations, Publications, Research, and Testing.



Where We Went in 2015

NCBE committees meet at various locations around the country. In addition, NCBE staff members and volunteers travel to provide training and information to jurisdictions and to participate in meetings related to bar admissions and testing. In 2015, we were in the following locations:



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, the Law School Admission Council (LSAC), three times per year.

Number of jurisdictions that administered NCBE exams in 2015

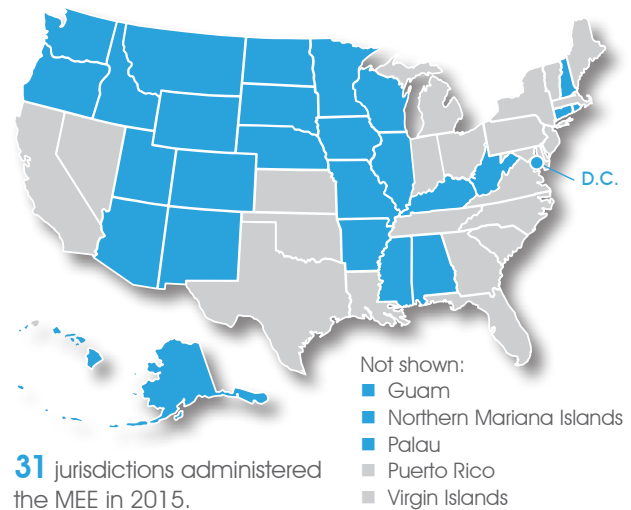
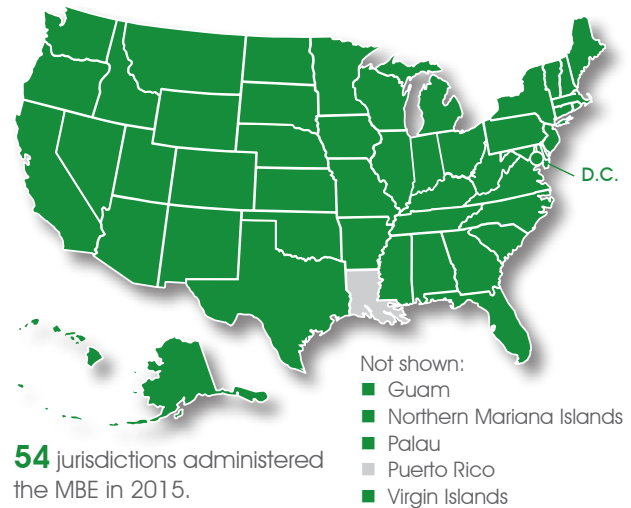


The Multistate Bar Examination (MBE)

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.

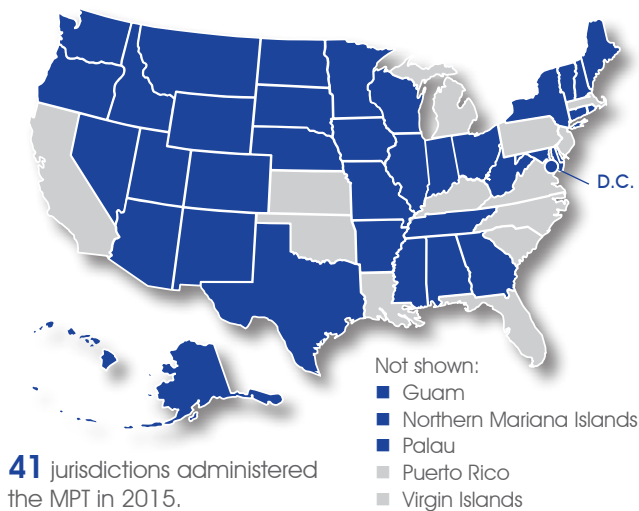
The Multistate Essay Examination (MEE)

consists of six 30-minute questions. Areas of law tested are 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.

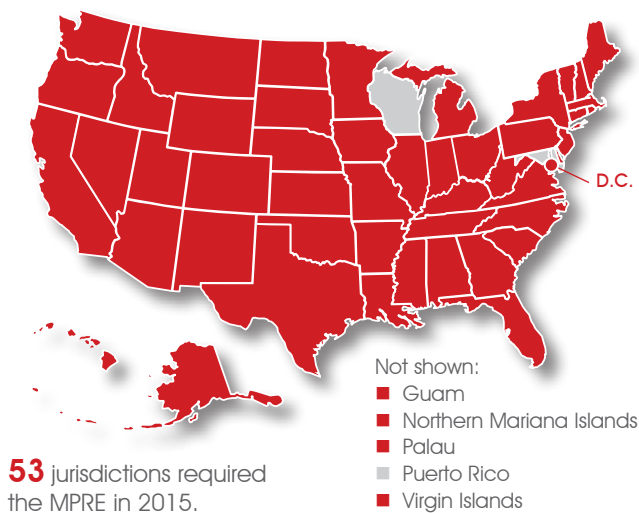


Our Tests *(continued)*

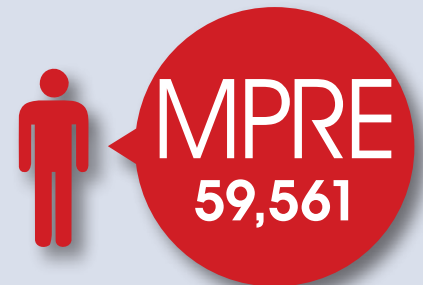
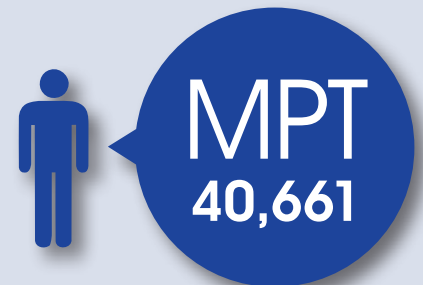
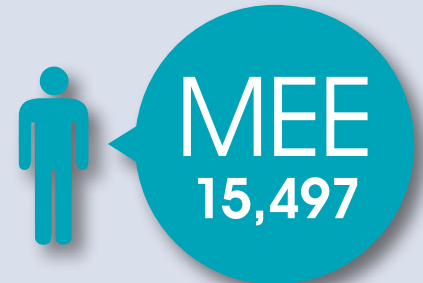
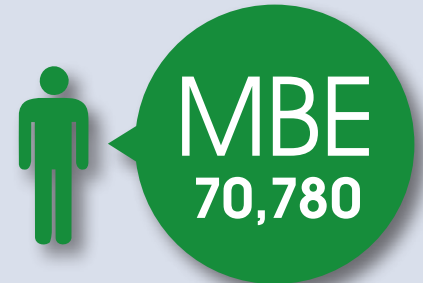
The Multistate Performance Test (MPT) consists of two 90-minute tasks requiring the application of fundamental lawyering skills in a realistic situation. Skills tested are factual analysis, legal analysis and reasoning, problem solving, identification and resolution of ethical dilemmas, written communication, 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.



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.



Number of Examinees Taking NCBE Exams in 2015



Uniform Bar Examination

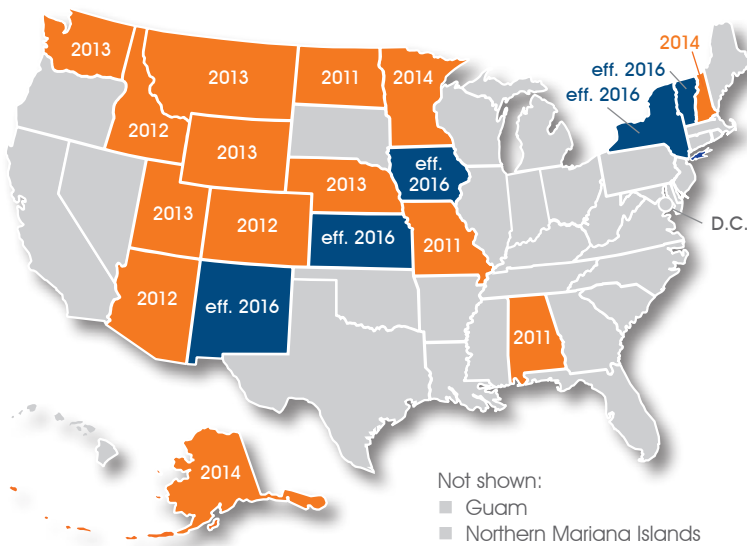
The Uniform Bar Examination (UBE) is coordinated by NCBE and is uniformly administered, graded, and scored by participating jurisdictions to produce portable scores. The UBE is composed of the MEE, two MPT tasks, and the MBE. Jurisdictions that adopt the UBE may also require applicants to complete a jurisdiction-specific educational component and/or pass a 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 regularly discuss administrative issues and make recommendations to NCBE's Board of Trustees with respect to policy decisions related to the UBE.

Number of jurisdictions that administered the UBE in 2015

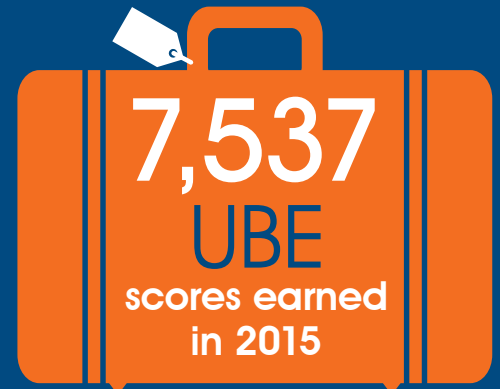


5 additional jurisdictions adopted the UBE in 2015, with administrations scheduled to begin in 2016.

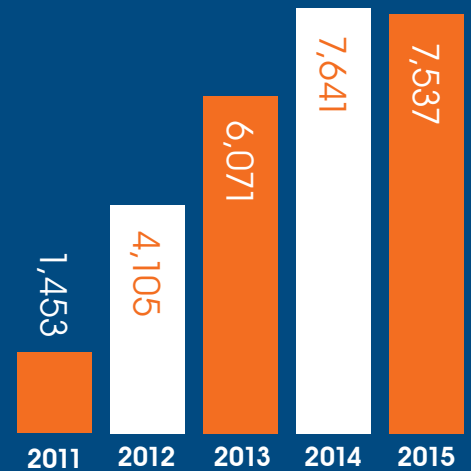


14 jurisdictions administered the UBE in 2015.

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



Number of UBE Scores Earned by Year



Testing Services

Score Services

NCBE offers the following score services after original score reporting:

- MPRE score transfers to jurisdictions and score releases to examinees
- MBE score transfers from one jurisdiction to another and score releases to examinees
- official UBE score transcripts to jurisdictions and unofficial UBE score transcripts to examinees

Score Services in 2015

14,333 MPRE scores transferred to jurisdictions

5,144 MPRE scores released to examinees

1,824 MBE scores transferred to jurisdictions

859 MBE scores released to examinees

1,096 UBE score transcripts transferred to jurisdictions

409 UBE score transcripts released to examinees

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 measurement professionals.

28 jurisdictions used NCBE's score scaling services in 2015.

Training Services

NCBE offers specialized training opportunities to bar administrators, bar examiners, and graders.



In 2015, NCBE produced and made available to jurisdictions' staff members a series of short training videos to explain the

processes of exam ordering, exam administration, and receipt and return of exam materials. The videos have been viewed over 500 times.

Grading workshops for MEE and MPT graders are offered in Madison, Wisconsin, on the weekends immediately following the bar exam in February and July. Grading workshop sessions are also available via teleconference and via on-demand video following the workshop. After each workshop, written grading materials are made available for access through our secure website.



MEE/MPT Grading Workshops in 2015

February: Graders from **35** jurisdictions participated. **98** graders attended in person or by conference call, and the on-demand video was **accessed 127** times.

July: Graders from **38** jurisdictions participated. **111** graders attended in person or by conference call, and the on-demand video was **accessed 144** times.

Study Aids

NCBE offers Online Practice Exams (OPEs) for both the MPRE and the MBE. OPEs are annotated exams that use retired questions drawn from actual MPREs and MBEs administered in recent years; purchasing an OPE gives an examinee a subscription for unlimited online access to the exam for one year after the date of purchase. We also publish study aids for the MEE and MPT, which contain questions from previously administered tests and are available as hard copies or as PDF files for download. These OPEs and study aids can be purchased online at the NCBE Study Aids Store; additional study aids are available free of charge on the NCBE website.

Number of Study Aids Purchased in 2015

MPRE
OPEs

2,202

MBE
OPEs

3,862

MEE
STUDY AIDS

2,575

MPT
STUDY AIDS

1,474

NCBE Accounts



NCBE Accounts were introduced in 2012 to provide an online portal for electronic delivery of services to applicants through NCBE's website. Applicants can access MPRE registration, score services, the electronic Character and Fitness Application, and previously purchased Online Practice Exams through their NCBE Accounts.

When an applicant creates an NCBE Account, the applicant is automatically assigned an NCBE Number, which serves as a unique identifier (in lieu of a Social Security number) for MBE, UBE, and MPRE scores and other admission related purposes. While jurisdictions are not required to use NCBE Numbers to identify their applicants, they are strongly encouraged to do so.

42 of the 54 jurisdictions

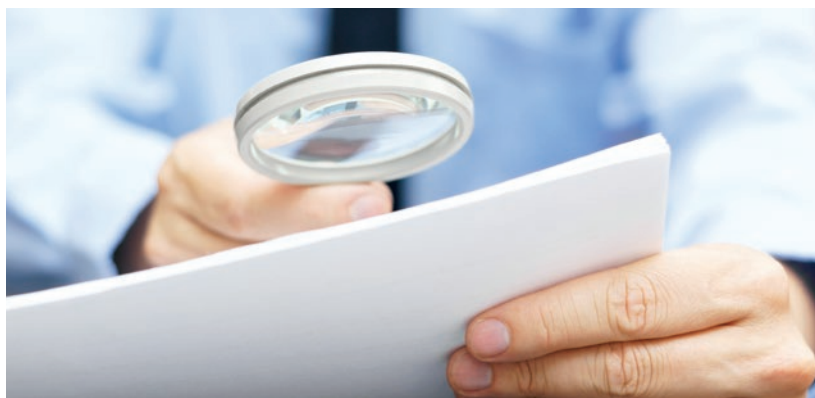
that administered the MBE used NCBE Numbers in 2015 to identify their examinees' MBE scores.

Character and Fitness Investigations

NCBE provides investigation services to support jurisdictions' character and fitness requirements and offers an electronic Character and Fitness Application that can be used in conjunction with those services or separately.

Our Online Verification service allows jurisdictions and law schools to receive and respond electronically to inquiries asking them to verify the accuracy of information that applicants have provided to NCBE.

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



NCBE received
11,868
Character and Fitness
Applications in 2015.

Character and Fitness Services in 2015

30

jurisdictions used our investigation services for law student registration, bar examination, motion, in-house counsel, or foreign legal consultants.

27

jurisdictions used our electronic Character and Fitness Application.

22

jurisdictions received completed investigations online.

31

jurisdictions used our Online Verification service.

42

jurisdictions participated in our Cross-Reference service.

Education

NCBE produces and hosts a wide range of educational events for bar examiners, bar admission administrators, judges, and justices. NCBE underwrites all or some of the cost of attendance at educational events as a service to jurisdictions.

Educational Events in 2015



Annual Bar Admissions Conference

Chicago, IL (May)

358 attendees from 54 jurisdictions



NCBE/Council of Bar Admission Administrators (CBAA) Annual Meeting

Wilmington, NC (August)

86 attendees from 35 jurisdictions



UBE Jurisdictions Forum

Madison, WI (October)

43 attendees from 18 jurisdictions

(all UBE jurisdictions were represented)



CBAA Fall Meeting

Santa Fe, NM (November)

72 attendees from 37 jurisdictions

Mini-Seminars

New Bar Admission Administrators

Madison, WI (August)

9 attendees from 8 jurisdictions

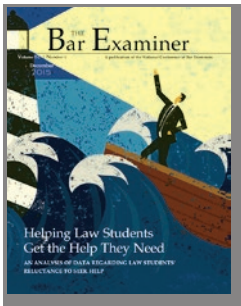
NCBE Number / Test Security / IT

Santa Fe, NM (November)

5 attendees from 5 jurisdictions

Publications

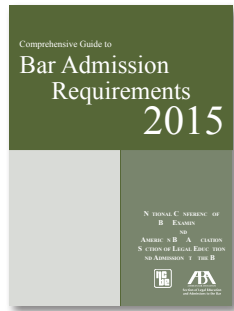
The *Bar Examiner*, published quarterly, covers current issues in bar admissions and includes annual bar examination and admission statistics. It is published as a service to courts, academia, bar admission administrators, members of bar examining boards and character committees, and others with particular interest in the bar admissions process.



In 2015, the *Bar Examiner* had a circulation of 3,400 per issue.

The *Bar Examiner* section of our website was accessed 11,522 times in 2015.

The *Comprehensive Guide to Bar Admission Requirements* provides annually updated information on bar admission requirements in all U.S. jurisdictions, including a directory of state bar admission agencies. It is published in collaboration with the American Bar Association.



NCBE Online

www.ncbex.org

In 2015, our website had 803,626 visitors — an average of 2,202 visitors per day. 26% of those visitors accessed the site on a mobile device.



Most visited pages:

- Character and Fitness Application
- NCBE Account
- Comprehensive Guide to Bar Admission Requirements
- NCBE home page
- MPRE page

We answered 10,768 inquiries through our online Help & Support system in 2015 an average of 897 contacts per month.

Research

In 2015, NCBE's Research Department staff published two articles in professional journals, had five book chapters published or in progress, and provided complimentary consultations and data analysis to 31 jurisdictions. Staff members from NCBE's Testing and Research Departments published six articles in the *Bar Examiner*.

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 2015 Covington Award

recipient was Hyeon-Ah (Annie) Kang of the University of Illinois, for her project "Nonparametric Informational Distance/Divergence Approach to Detect Item Parameter Drift in Multidimensional Tests."

2015–2016 Board of Trustees



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President and CEO



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Vicki L. Millard, Chief Financial Officer

Kent Brye, Director of Information Technology

Penelope J. Gessler, Director of Investigations

Judith A. Gundersen, Director of Test Operations

Mark A. Albanese, Ph.D., Director of Testing & Research

Brad C. Gilbert, General Counsel

Past NCBE Chairs

2014–2015	Bryan R. Williams (New York)	1977–1978	Trammell E. Vickery (Georgia)
2013–2014	Margaret Fuller Corneille (Minnesota)	1976–1977	Arthur Karger (New York)
2012–2013	Franklin R. Harrison (Florida)	1974–1976	John F. Germany (Florida)
2011–2012	Rebecca S. Thiem (North Dakota)	1973–1974	Yoshio Shigezawa (Hawaii)
2010–2011	Philip M. Madden (California)	1972–1973	Roy Wilkinson, Jr. (Pennsylvania)
2009–2010	Sam Hanson (Minnesota)	1971–1972	Merrill R. “Pappy” Bradford (Maine)
2008–2009	Frederick Y. Yu (Colorado)	1970–1971	R. Lowell Miller (California)
2007–2008	Donald H. Funk (Illinois)	1969–1970	Fred G. Francis (Kentucky)
2006–2007	Diane F. Bosse (New York)	1968–1969	Paul E. Raymond (Florida)
2005–2006	Marva Jones Brooks (Georgia)	1967–1968	Robert E. Seiler (Missouri)
2004–2005	David R. Boyd (Alabama)	1966–1967	William H. King (Virginia)
2003–2004	Alice E. Richmond (Massachusetts)	1965–1966	Robert T. Green (Ohio)
2002–2003	Jequita Harmon Napoli (Oklahoma)	1964–1965	E. Marshall Thomas (Iowa)
2001–2002	Isidoro Berkman (California)	1963–1964	John B. Hendricks (Illinois)
2000–2001	Gregory G. Murphy (Montana)	1962–1963	Stanley G. Falk (New York)
1999–2000	Sarah N. Hall (West Virginia)	1961–1962	Samuel J. Kanner (Florida)
1998–1999	Jerome C. Hafter (Mississippi)	1960–1961	John A. Eckler (Ohio)
1997–1998	Kathryn E. Ressel (Florida)	1959–1960	Robert A. Sprecher (Illinois)
1996–1997	Alan Kay (Washington, D.C.)	1958–1959	Fred M. Mock (Oklahoma)
1995–1996	Richard J. Bartlett (New York)	1957–1958	Sharp Whitmore (California)
1994–1995	Robert L. Potts (Alabama)	1956–1957	Walter Powers (Massachusetts)
1993–1994	Marvin E. Barkin (Florida)	1955–1956	Len Young Smith (Illinois)
1992–1993	Beverly Tarpley (Texas)	1954–1955	Bert M. Goldwater (Nevada)
1991–1992	Stuart Duhl (Illinois)	1953–1954	Olin E. Watts (Florida)
1990–1991	Armando M. Menocal III (California)	1952–1953	Thomas H. Adams (Michigan)
1989–1990	Marygold Shire Melli (Wisconsin)	1951–1952	John T. DeGraff (New York)
1988–1989	J. Guy Beatty, Jr. (Tennessee)	1949–1951	Eugene P. Glenn (California)
1987–1988	Douglas D. Roche (Michigan)	1948–1949	H.P. Osborne (Florida)
1986–1987	Lee Arthur Satterfield (Washington, D.C.)	1947–1948	George H. Turner (Nebraska)
1985–1986	Robert J. Muldoon, Jr. (Massachusetts)	1946–1947	Warren E. Cressy (Connecticut)
1984–1985	Sumner T. Bernstein (Maine)	1945–1946	Wilbur E. Demous (Colorado)
1983–1984	John E. Holt–Harris, Jr. (New York)	1941–1945	John Kirkland Clark (New York)
1982–1983	John Francis O’Hara (California)	1939–1941	Stanley T. Wallbank (Colorado)
1981–1982	Francis D. Morrissey (Illinois)	1937–1939	A.G.C. Bierer, Jr. (Oklahoma)
1980–1981	David C. Cummins (Ohio)	1935–1937	John H. Riordan (California)
1979–1980	George T. Barrow (Texas)	1933–1935	Charles P. Megan (Illinois)
1978–1979	Clyde O. Bowles, Jr. (Illinois)	1931–1933	James C. Collins (Rhode Island)





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