

NCBE

2019
Year in Review

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National Conference
of Bar Examiners

302 South Bedford Street
Madison, WI 53703

ncbex.org
thebarexaminer.org
testingtaskforce.org

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RAISING the bar



Hon. Cynthia L. Martin
2019-2020 NCBE Board Chair

If I have learned one thing during my tenure as the chair of NCBE's Board of Trustees, it is this: NCBE is anything but complacent. The Conference is constantly assessing and reassessing its products and services, driven by simple objectives. Our mission? To promote fairness, integrity, and best practices in admission to the legal profession for the benefit and protection of the public. The Conference strives to serve this mission in the context of a vision—a competent, ethical, and diverse legal profession.

While this *Year in Review* publication is a snapshot, it also has the characteristics of a great photograph: it reflects compelling composition, tells a story, highlights iconic moments and events, includes interesting detail, and provides the reader with a unique perspective. It also incorporates another trait of a great photograph—it leaves the future to the viewer's imagination. And that future looks bright!

This publication is critical because you need to see—you

deserve to see—all that the Conference has done and continues to do to serve the bar admissions community and bar applicants. But this is not the last chapter. It is merely the latest chapter. And you can be assured that more is to come.

Apropos the title of this message, the Conference keeps raising its own bar. We recognize that no matter how great a product or service may be, it can always be better. If you look critically at the Conference's deployment of resources, you will be impressed by the efforts employed to educate and engage the bar admissions and legal education communities, and to facilitate outreach, networking, and information sharing within the bar admissions community. You will notice that many Conference initiatives, which include a couple of major undertakings in 2019, are applicant focused, driven by a desire to enhance fairness and inclusiveness. You will realize that the Conference does not see its work as narrowly limited to producing test products. Rather, it sees its work as incorporating a much broader

obligation to embrace the bar admissions and legal education communities as a whole—lending cohesiveness, collaboration, and a sense of shared purpose to otherwise disparate stakeholders who each contribute to the preparation of applicants from law student to licensed lawyer.

As a volunteer who has served on the Board of Trustees for over eight years, I am well-positioned to credibly assure you that the National Conference of Bar Examiners personifies institutional integrity, is tirelessly committed to doing more and doing better to serve you, and takes to heart your feedback. We are proud of what we have accomplished, as highlighted in this report. And we are eager to keep you apprised of our future activities in fulfilling our ever-important mission.

Sincerely yours,

A handwritten signature in black ink that reads "Cynthia L. Martin". The signature is written in a cursive style and is located below the typed name.

Hon. Cynthia L. Martin
2019-2020 NCBE Board Chair

STRIVING for excellence



Judith A. Gundersen
NCBE President and CEO

I began contemplating my welcome letter for the 2019 *Year in Review* in late February. Now it is May, and I find myself in a completely different frame of mind due to the COVID-19 pandemic we are all living through. Our new reality is defined by our pre-COVID lives and our post-COVID lives.

I think for all of us, 2019 seems like such a long time ago. As I take the time to reflect on NCBE's accomplishments in 2019, I realize it is no wonder our staff and volunteers were so busy. I'm very proud of our collective work on behalf of bar admissions and all those committed to the protection of the public through their service to courts, admissions offices, and legal education.

At the top of our list of 2019 initiatives was moving into Phase 2 of the Testing Task Force's future-focused study of the bar exam—distribution of a nationwide practice analysis survey. The survey responses have given us a treasure trove of data to analyze as we venture into Phase 3, exam program redesign. This final phase, intended to start in April with the help of outside participants, has now been delayed due to the pandemic.

We hope to resume in the summer, recognizing now more than ever the importance of this final phase of the study. All phases of the study have been interesting in their own ways—the stakeholder listening sessions of Phase 1, the practice analysis of Phase 2—but the biggest unknown is what will come out of Phase 3. I offer my heartfelt thanks to our Testing Task Force volunteers and our staff members, especially our able Task Force (and current NCBE) chair, Judge Cindy Martin.

Another enormous effort put forth by dozens of staff members in 2019 was conversion of the Multistate Professional Responsibility Examination from a paper-based test to a computer-based test. We tested over 4,000 candidates in both August and November 2019 at Pearson VUE centers across the country. All MPRE candidates will be testing on computers in 2020. Kudos to our testing, IT, security, and corporate staff for making this happen.

In 2019 we debuted our new Bar Examiner website, thebarexaminer.org, which features news, statistics, and a fully searchable online version of our quarterly publication, the *Bar Examiner*.

In 2019 we also began offering our high-quality, affordable study aids on BarNow, our new mobile-friendly eLearning platform. In September we held an educational conference for academic support faculty and staff to help bridge the information gap between legal educators and legal licensing agencies, with the goal of providing participants with useful information to enhance their effectiveness at the institutions they serve. And we continue to work with the Council on Legal Education Opportunity Inc. (CLEO) to support that program's goals of bar exam success for students from historically disadvantaged backgrounds.

As we all work through the many challenges created by the COVID-19 pandemic, my sincere wish for all of you—for all of us—is that in a year from now, we can look back knowing that we got through the current crisis together.

A handwritten signature in black ink, appearing to read "Judith".

Judith A. Gundersen
NCBE President and CEO

NCBE

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 mission

NCBE promotes fairness, integrity, and best practices in admission to the legal profession for the benefit and protection of the public. We serve admission authorities, courts, the legal education community, and candidates by providing high quality

- assessment products, services, and research;
- character investigations; and
- informational and educational resources and programs.

Our vision

A competent, ethical, and diverse legal profession.



WHO WE ARE & WHAT WE DO



Our Partnership with Jurisdictions

We develop and produce the licensing and professional responsibility tests used by most US 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 US 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 states' highest 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.



The Testing Task Force was appointed by NCBE in 2018, charged with undertaking a comprehensive three-year study to ensure that the bar exam continues to test the knowledge, skills, and abilities required for competent entry-level legal practice in a changing profession.

Moving toward **PHASE 3**

In 2019, the Testing Task Force completed the first phase of its study (stakeholder research) and, with the help of its research consultant ACS Ventures LLC, completed a nationwide practice analysis survey as part of the study's second phase. The results of this work will inform the study's third and final phase, which is due to be completed in late 2020.



54
Jurisdictions

The practice analysis survey was distributed nationwide with the help of bar associations and states' highest courts in 54 jurisdictions.

30
Listening
sessions

400
Participants

10
Groups

30 stakeholder listening sessions were held, spanning 10 groups of stakeholders and more than 400 participants.

Over
30,000
people accessed the practice
analysis survey



Transitioning the MPRE to **COMPUTER-BASED TESTING**

In August 2019, NCBE, in partnership with Pearson VUE, began transitioning the Multistate Professional Responsibility Examination (MPRE) from a paper-based to a computer-based exam. The first entirely computer-based MPRE was administered in March 2020.

August 2019

4,198 candidates took the MPRE **via computer-based testing** in August 2019; another **12,872** candidates took the **paper-based** MPRE.

November 2019

4,610 candidates took the MPRE **via computer-based testing** in November 2019; another **17,563** candidates took the **paper-based** MPRE.

Looking ahead

Approximately **60,000** candidates will **take the MPRE** via computer-based testing in 2020.



More than **30 NCBE staff members** from **6 departments** helped to transition the MPRE to computer-based testing.

LAUNCHING the Bar Examiner website

In May 2019, NCBE launched a new website dedicated to the *Bar Examiner*, its quarterly publication providing comprehensive, authoritative information on current issues in bar admissions and legal education. The annual bar examination and admission statistics published by NCBE are also housed on the new website. Visitors to thebarexaminer.org can view current and archived issues of the magazine and subscribe to receive quarterly emails announcing new online issues and occasional news updates.

The **Bar Examiner**
The bar admissions information source

SUBSCRIBE AT thebarexaminer.org/subscribe

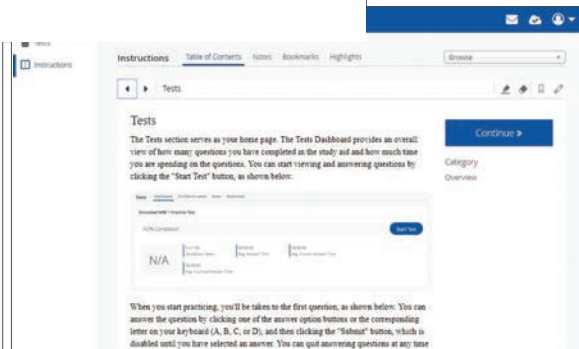
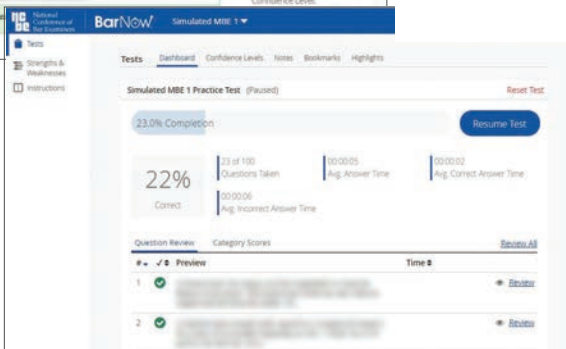
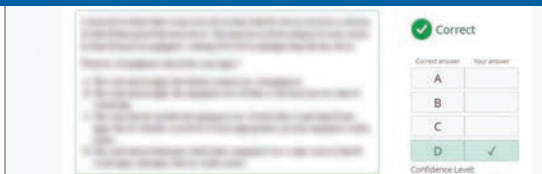
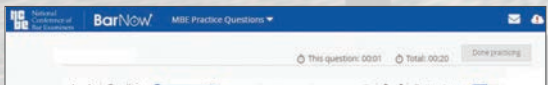
Introducing BarNow[®] STUDY AIDS

In March 2019, NCBE began offering its high-quality, affordable study aids on BarNow, its new mobile-friendly eLearning platform. BarNow study aids provide authentic bar exam and MPRE practice questions with interactive learning features and an improved user experience. Users can log in anytime, anywhere, to complete practice questions and simulated exams.

BarNow study aids can also be used by legal educators to track their students' progress as they complete simulated exams.

In addition to the study aids available on BarNow, NCBE offers the MBE Study Aid, with 210 MBE practice questions organized by subject area, in hard copy or as a PDF.

All NCBE study aids are available for purchase through the NCBE Study Aids Store at store.ncbex.org/.





PARTNERING for student success

During 2019, support from NCBE helped the Council on Legal Education Opportunity Inc. (CLEO) work with hundreds of students all along the law school pipeline: incoming 1Ls, 2Ls, and 3Ls, as well as recent law school graduates. CLEO begins preparing students for success in law school, on the bar examination, and in the profession as part of their earliest introduction to law school. As students move through their law school programs, CLEO programming focuses on bar prep, MPRE prep, and/or law school success. Depending on the program, training and support takes various forms, including in person meetings and trainings, virtual webinars, and one on one mentorship. Additional resources to help students prepare for the bar include regular emails with sample MBE questions sent to second and third year law students and stipends to support students financially during bar prep.



STAYING connected

In 2019, NCBE continued to expand its social media presence to communicate more easily and frequently with candidates, legal educators, bar administrators, and the broader legal community. We boosted engagement using hashtags like #BarExam and #MPRE, making it easier for users to find authoritative NCBE information on these topics, and reached out to attorneys across the country for assistance with the Testing Task Force's practice analysis survey.

2019 BY THE NUMBERS



NCBE exams administered

207,946

UBE scores earned

34,472

UBE scores transferred

6,706



Total event attendees

758

Meetings and educational events held

56





Character and fitness applications conducted on behalf of 28 jurisdictions

13,157

99 NCBE staff members

66 drafting committee members from 26 jurisdictions, including faculty members from 32 law schools

12 Board of Trustees members from 12 jurisdictions

80 policy committee members from 46 jurisdictions



Score Services requests processed on behalf of jurisdictions and candidates

35,639



Online support inquiries received

21,259

Visits to the NCBE website at ncbe.org

2,226,000

NCBE exams



54 jurisdictions used the MBE in 2019



42 jurisdictions used the MEE in 2019



48 jurisdictions used the MPT in 2019



66,650
MBE
examinees
in 2019



37,001
MEE
examinees
in 2019



45,926
MPT
examinees
in 2019

MBE SNAPSHOT

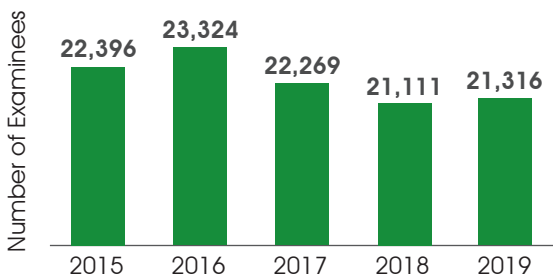
February 2019 MBE Examinees:

21,316

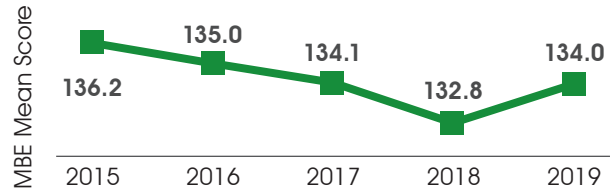
February 2019 MBE Mean Score:

134.0

Number of February MBE Examinees 2015–2019



February MBE Mean Score 2015–2019



MBE scores are reported on a scale ranging from 0 to 200. The values reflect valid scores available electronically as of 3/19/19.

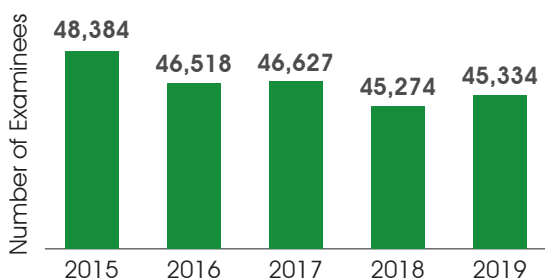
July 2019 MBE Examinees:

45,334

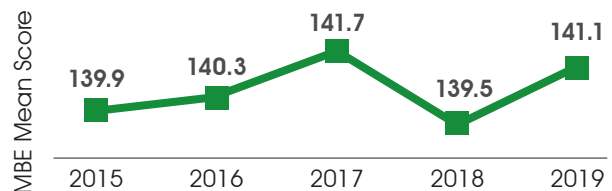
July 2019 MBE Mean Score:

141.1

Number of July MBE Examinees 2015–2019



July MBE Mean Score 2015–2019



MBE scores are reported on a scale ranging from 0 to 200. The values reflect valid scores available electronically as of 10/23/19.

MBE STANDARD DEVIATIONS

	2015	2016	2017	2018	2019
February	15.1	15.0	14.7	16.0	15.2
July	16.1	16.7	16.8	16.6	16.9

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.

Most jurisdictions use one or more of the bar exam components developed by NCBE:

The **Multistate Bar Examination (MBE)** is a 200-question multiple-choice exam that assesses the extent to which an examinee can apply fundamental legal principles and legal reasoning to analyze given fact patterns.

The **Multistate Essay Examination (MEE)** is a six-question essay exam that tests an examinee’s ability to identify legal issues, separate relevant from irrelevant material, analyze the issues, and demonstrate an understanding of fundamental legal principles.

The **Multistate Performance Test (MPT)** consists of two performance tasks that test an examinee’s ability to use fundamental lawyering skills in a realistic situation. Each item evaluates an examinee’s ability to complete a task that a newly licensed lawyer should be able to accomplish.

A majority of jurisdictions have adopted the **Uniform Bar Exam (UBE)**, which consists of the MBE, the MEE, and the MPT, and results in a portable score that can be transferred to other UBE jurisdictions.

Did you know?

There are 56 US jurisdictions: the 50 states, the District of Columbia, Guam, the Northern Mariana Islands, Palau, Puerto Rico, and the US Virgin Islands.

UBE SNAPSHOT

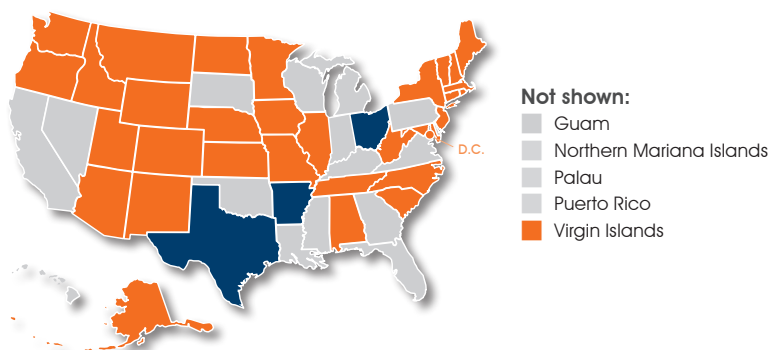
The Uniform Bar Examination (UBE) results in a portable score that can be used to apply for admission in other UBE jurisdictions.



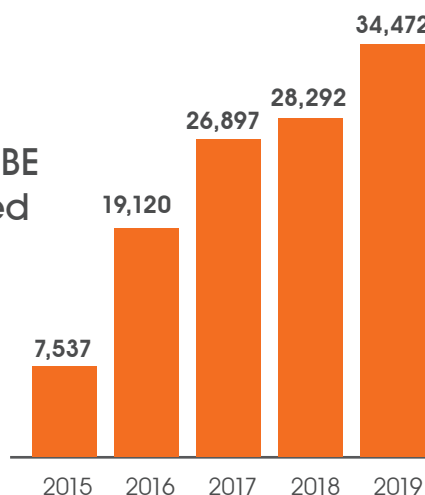
Number of jurisdictions that have adopted the UBE

33 jurisdictions administered the UBE in 2019

3 additional jurisdictions have adopted the UBE (administration dates: Arkansas, February 2020; Ohio, July 2020; Texas, February 2021)



Number of UBE Scores Earned by Year 2015–2019

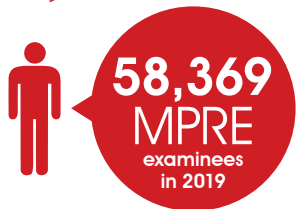


Total UBE Scores Earned and Transferred as of January 1, 2020



NCBE exams (continued)

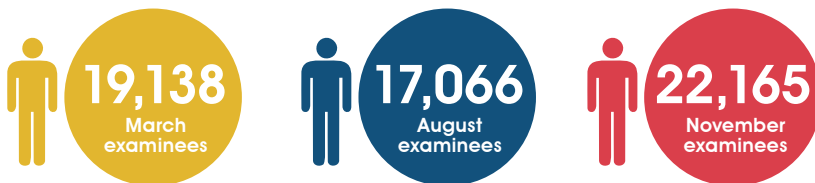
MPRE SNAPSHOT



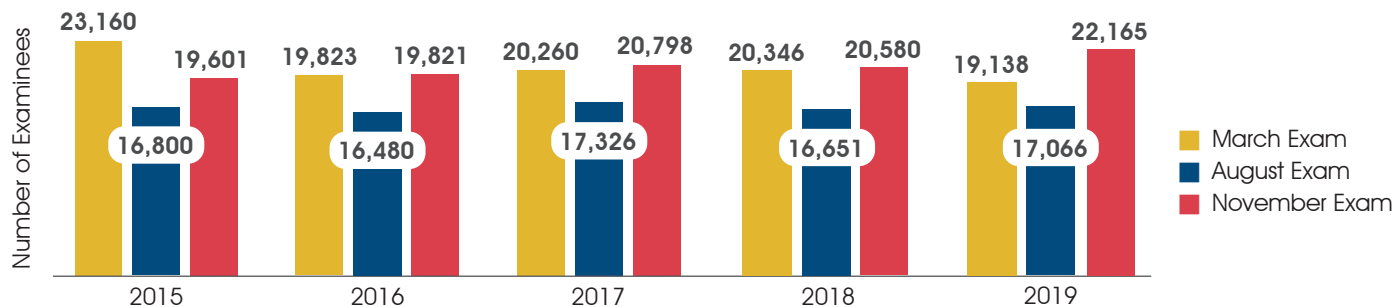
The **Multistate Professional Responsibility Examination (MPRE)** is administered by NCBE through its test contractor three times per year.

Most jurisdictions require the MPRE, a 60-question multiple-choice exam that measures candidates' knowledge and understanding of established standards related to the professional conduct of lawyers.

2019 MPRE examinees by administration:



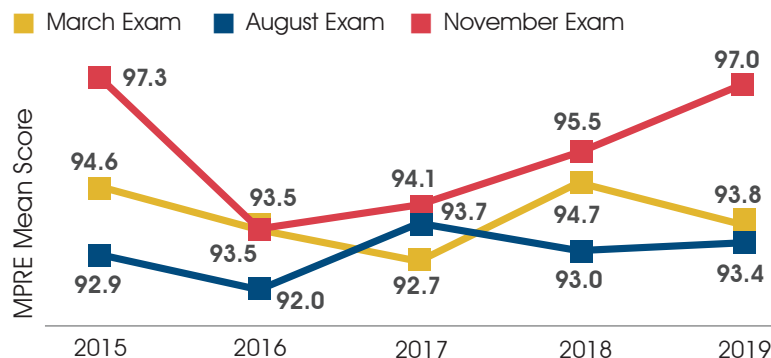
Number of MPRE Examinees 2015–2019



2019 MPRE mean score by administration:



MPRE Mean Scores 2015–2019



MPRE STANDARD DEVIATIONS

	March	August	November
2015	17.4	16.9	17.5
2016	17.6	17.7	17.3
2017	17.1	18.0	17.4
2018	17.9	17.8	18.2
2019	17.9	17.5	18.3

MPRE scores are reported on a scale ranging from 50 to 150. The values reflect valid scores available electronically as of 1/24/20 on both standard and alternative forms of the MPRE.

JURISDICTION services

Character and Fitness Investigations

13,157 
INVESTIGATIONS

28 
JURISDICTIONS

NCBE conducted **13,157** character and fitness investigations on behalf of **28** jurisdictions in 2019

Did you know?

In addition to providing character and fitness investigation services, including an online character report application, NCBE offers an online verification process that allows jurisdictions and law schools to electronically receive and respond to NCBE's investigation inquiries, as well as a cross-reference service that allows jurisdictions to determine whether applicants have previously submitted any type of application to another jurisdiction.

26 
JURISDICTIONS

26 jurisdictions used our online character report application in 2019

47 
JURISDICTIONS

47 jurisdictions used our Online Verification process in 2019

46 
JURISDICTIONS

46 jurisdictions participated in our Cross-Reference service in 2019

JURISDICTION services (continued)

Score Scaling Services



JURISDICTIONS

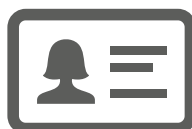
36 jurisdictions used our score scaling services in 2019

Research for Jurisdictions



In 2019, NCBE conducted research for 7 jurisdictions.

In addition, NCBE analyzed response patterns for 45 cases in which examinees were suspected of cheating.



52 of the 54 jurisdictions that used the MBE in 2019 included NCBE Numbers as an identifier for examinees' scores.

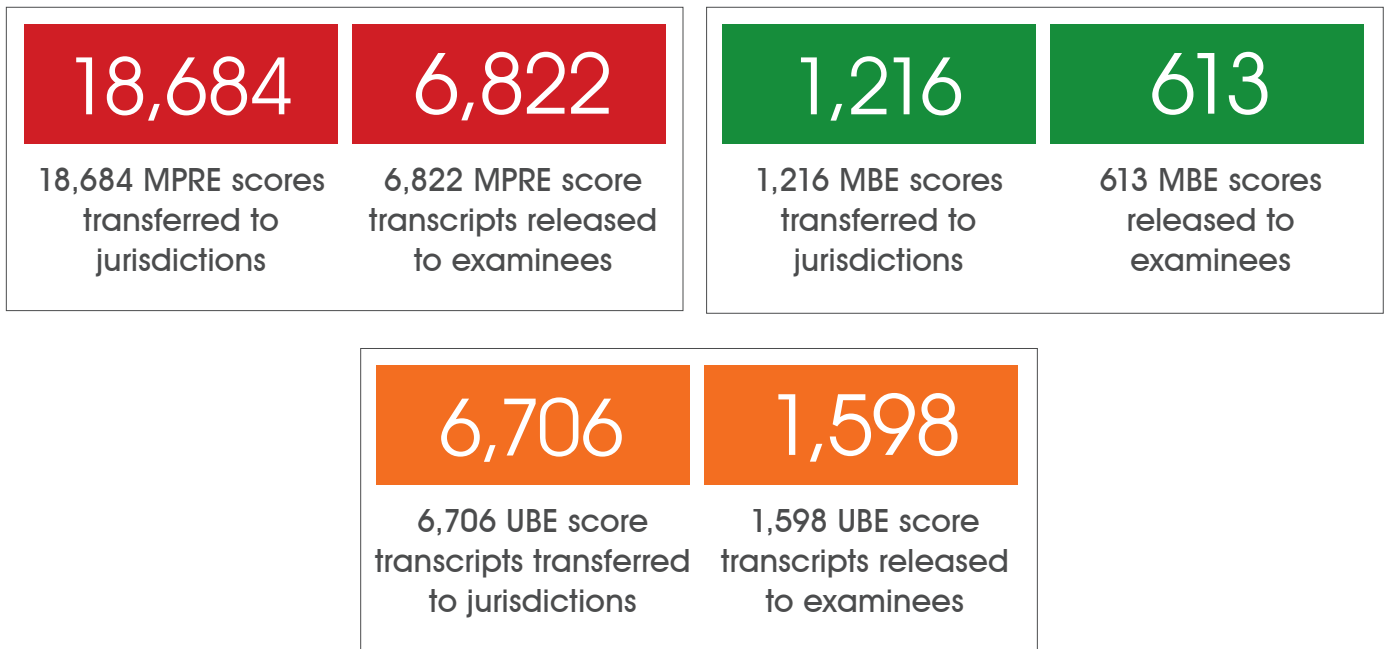


NCBE performs equating, scoring, and statistical analysis for each MBE and MPRE administration, and offers score scaling services to scale the written components of the bar exam to the MBE.

NCBE also prepares data forensics reports for cases in which examinees are suspected of cheating and conducts additional testing-related research in partnership with jurisdictions. These services are available to all jurisdictions at no charge.

CANDIDATE services

Score Services in 2019



Study Aids Sold in 2019



EDUCATIONAL events



FEATURING

Annual Bar Admissions Conference

San Francisco, California
May 2019

This year's conference included plenary sessions on recent trends in legal education, characteristics of millennials and Generation Z, and perspectives on bar admissions from the courts. Breakout session topics included current research on access to justice issues, basic testing concepts for bar examiners, and character and fitness case studies.

(381 attendees from 54 jurisdictions)

FEATURING

Unpacking the Bar Exam: A Conference for Academic Support Professionals

Madison, Wisconsin
September 2019

This educational conference for academic support professionals offered sessions on testing basics, bar performance research, and the nuts and bolts of drafting multiple choice questions, among other topics.

(65 academic support professionals and 4 additional speakers; 62 law schools and 34 jurisdictions were represented.)

**FEATURING**

Best Practices in High-Stakes Testing: What Legal Educators Need to Know

In February, NCBE and the Law School Admission Council (LSAC) cosponsored a conference for law school faculty, researchers, and staff with the goal of advancing understanding of sound testing and assessment principles and implementation that support law schools' educational missions.



EDUCATIONAL events (continued)

Additional events in 2019

UBE Jurisdictions Forum

The UBE Jurisdictions Forum provides an opportunity for bar admission administrators, bar examiners, and justices from jurisdictions that have adopted the UBE to learn about current issues and trends relevant to the UBE, as well as best practices in exam administration.

- 98 participants from 34 jurisdictions *(January)*

Grading Workshop

After every administration of the bar exam, NCBE sponsors a hands-on Grading Workshop for jurisdiction graders. Individual workshop sessions, led by members of NCBE's MEE and MPT Drafting Committees, are held for each question.

- 479 graders from 42 jurisdictions; 44 in person, 119 by conference call, 289 via on-demand video. 27 non-attendee graders accessed grading materials. *(March)*
- 550 graders from 46 jurisdictions; 56 in person, 167 by conference call, 323 via on-demand video. 4 non-attendee graders accessed grading materials. *(July)*

MPRE Item Development Workshop

The MPRE Item Development Workshop offers a deep dive into topics related to item (question) development for new MPRE item drafters, including item statistics, item evaluation, and different approaches to drafting.

- 21 participants, including MPRE Drafting Committee members *(May)*

NCBE/CBAA Annual Meeting

NCBE's Board of Trustees installs its new officers and members at the NCBE/CBAA Annual Meeting; the event also includes educational programming and allows members of the Council of Bar Admission Administrators (CBAA) to conduct business and exchange ideas with colleagues from around the country.

- 84 participants from 37 jurisdictions *(August)*

CBAA Fall Meeting

NCBE sponsors this meeting for the CBAA, providing opportunities for members to connect with one another and attend educational sessions.

- 83 participants from 41 jurisdictions *(November)*

New Bar Admission Administrators Seminar

This seminar familiarizes new bar admission administrators with the resources and services offered by NCBE.

- 6 participants from 6 jurisdictions *(December)*

Committee & Board Meetings

NCBE's 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.

4

Board of Trustees meetings

12

Policy Committee meetings

22

Drafting Committee meetings



RESEARCH and publications



Testing & Research Staff Publications

- Review of the NIH Toolbox–Cognition Domain, in *The Twenty Fourth Mental Measurements Yearbook*.
- Review of the Wide Range Achievement Test (WRAT5), in *The Twenty Third Mental Measurements Yearbook*.
- Indices of subscore utility for individuals and subgroups based on multivariate generalizability theory, in *Educational and Psychological Measurement*.
- A practical guide to test blueprinting, in *Medical Teacher*.
- The optimal number of options for multiple-choice questions on high-stakes tests: Application of a revised index for detecting nonfunctional distractors, in *Advances in Health Sciences Education*.



Testing & Research Staff Presentations

- Impact of Cheating on IRT Equating of Licensure Exams, presented at the 2019 Conference on Test Security.
- A Revised Index for Detecting Nonfunctional Distractors in Multiple-Choice Questions, presented at the 2019 National Council on Measurement in Education Annual Meeting.
- Utility of Differential Item and Test Functioning Statistics to Examine Item Position Effects, presented at the 2019 National Council on Measurement in Education Annual Meeting.



2019 Covington Award Recipient

- **Murat Kasli**, University of Miami, A Deterministic Gated Lognormal Response Time Model to Identify Examinees with Item Preknowledge

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.



Bar Admissions Resources

- NCBE's quarterly magazine, the **Bar Examiner**, is a one-stop resource for news and in-depth articles relating to all aspects of the bar admissions process.
- The **Comprehensive Guide to Bar Admission Requirements**, published in collaboration with the American Bar Association, provides annually updated information on bar admission requirements in all US jurisdictions, including a directory of state bar admission agencies.



2019's Most-Visited Articles at thebarexaminer.org:

- Helping Students Pass the Bar Exam: Five Law Schools Share Their Successful Strategies
- How Are Questions Written for NCBE's Exams? Part One: Two Multiple-Choice Question Drafters Share the Process
- Writing, Selecting, and Placing MBE Items: A Coordinated and Collaborative Effort
- Revised Bar Passage Standard 316: Evolution and Key Points
- Mining the Web: Maximizing Internet Tools for Character and Fitness Investigations

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