

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: O-301

DATE: March 13, 2013

TO: Subcommittee on Operations and Management

FROM: Gayle Murphy

SUBJECT: Policy Re Acceptance of MPRE Scores Over 15 Years Old

BACKGROUND

The National Conference of Bar Examiners recently changed its policies and Multistate Professional Responsibility Examination (MPRE) scores that are more than 15 years old will no longer be available to the applicants or jurisdictions. In addition to other reasons for changing its policies, the NCBE does not believe that a score older than that has measurement meaning in terms of assessing an applicant's competence in that area. The NCBE has suggested that for jurisdictions that have no limitation on the age of the score, which California does not, they either amend their rules to limit the age of a MPRE score that is acceptable or consider that the MPRE requirement has been met if an applicant can provide satisfactory proof that they took and passed the MPRE previously in connection with their admission to practice law in another state.

DISCUSSION

California has one of the highest MPRE scores required, a scaled score of 86, to be considered as having passed the examination. So relying on an applicant's passage of the MPRE in another state does not necessarily equate to what is required in California. On the other hand, most applicants wishing to transfer an MPRE score that was earned over 15 years ago, is an attorney applicant and is, most likely, someone who is very familiar with the ethical and professional responsibility requirements about which an attorney should be knowledgeable.

RECOMMENDATION

It is recommended that the Committee adopt a policy that requires applicants who earned MPRE scores within 15 years of their application for admission to practice law in California to provide verification of their scores through the NCBE. If a score is more than 15 years old, applicants should be required to provide either: 1) verification from the jurisdiction in which they were admitted that they received an MPRE score of 86 or better or 2) a copy of the MPRE score they received that confirms they received a score of 86 or better on the MPRE, which must be accompanied by a statement from the applicant signed under penalty of perjury that the report accurately reflects what they

received. Otherwise, if the applicant cannot provide the appropriate verification that they received what is now required in California, he/she would have to take the examination and have the score transferred.

PROPOSED MOTION

If the Subcommittee agrees with the recommendation discussed above, the following motion is suggested:

Move that the following policy be adopted regarding the Multistate Professional Responsibility Examination:

Applicants may take the Multistate Professional Responsibility Examination (MPRE) at any time after completing their first year of law school. There are no time limits for taking the MPRE in connection with an applicant's qualification for admission to practice law in California, although the requirement must be satisfied before a motion is made to the Supreme Court of California certifying eligibility to practice law in California. Applicants must achieve a minimum scaled score of 86 to be considered as having passed the MPRE. Applicants must provide verification of their MPRE scores to the State Bar's Office of Admissions through one of the following ways:

1. Within 15 years from the date of transfer, submit a request to the National Conference of Bar Examiners that the score be transferred to California, which may be in connection with taking the examination initially or later; or
2. 15 years or more from the date of transfer, provide verification from the jurisdiction in which they were admitted that they received an MPRE scaled score of 86 or better; or
3. 15 years or more from the date of transfer, provide a copy of the MPRE score they received that confirms they received a scaled score of 86 or better on the MPRE, accompanied by a statement from the applicant signed under penalty of perjury that the report accurately reflects what they received.