

**July 2013
CALIFORNIA BAR EXAMINATION**

**Report Pursuant to
Title 4. Admissions and Educational Standards, Division 1. Admission to Practice
Law in California, Chapter 5. Examinations, Rule 4.60 (B)
of the *Rules of the State Bar of California***

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REPORT ON THE JULY 2013 CALIFORNIA BAR EXAMINATION

Ten thousand, two hundred and fifty-nine (10,259) applicants applied to take the July 2013 California Bar Examination, which was administered July 30 and 31 and August 1, 2013, with 9,311 applicants actually taking the examination and receiving results. Of that total, 411 applicants took the Attorneys' Examination. Applicants taking the Attorneys' Examination included attorneys in good standing admitted to practice in other jurisdictions for four or more years at the time they took the examination and 29 who were disciplined attorneys who took the examination as a condition of reinstatement.

The examination was administered at 19 test centers located throughout the state. Five of the facilities had combined handwriting and laptop test centers in the same examination room. Two of the test centers were for applicants who elected to take the examination using their own laptop computers, two were for applicants who handwrote their answers and five were test centers for applicants with disabilities who took the examination with accommodations. In order to participate in the Laptop Computer Program, applicants were required to pay an additional fee and download special security software in advance of administration of the examination. Following conclusion of the examination, applicants who completed their answers using their laptop computers under standard time constraints were required to upload four separate examination files, which contained their examination answers for each session, to a secure server no later than 12:00 noon on Friday, the day following the last day of the examination. The uploaded examination answers were accessed by Office of Admissions staff, printed and then inserted into covers that had been prepared by the applicants during the examination. A total of 8,411 applicants took the examination at the Laptop test centers. The percentage of applicants using laptop computers out of the total number of applicants was 90.36% during the July 2013 administration of the examination.

Four hundred and twenty-eight (428) applicants with disabilities were granted accommodations during administration of the July 2013 California Bar Examination. Three hundred and sixty-one (361) applicants granted testing accommodations, such as extra time, special versions of the examination, etc., actually took the examination at testing accommodations test centers, 16 applicants were granted special consideration at standard test centers, i.e., seating near a restroom, permission to bring food/water into the examination room, etc., and 13 were granted accommodations but either withdrew their applications, had their applications abandoned or were not eligible to take the examination. Thirty-seven (37) applicants who were granted accommodations did not show up to take the examination.

The California Bar Examination includes both the General Bar Examination and the Attorneys' Examination. The General Bar Examination consists of six essay questions, the Multistate Bar Examination (MBE), and two performance tests (PT). The Attorneys' Examination consists of the six essay questions and two PT questions from the General Bar Examination.

Eight groups consisting of eleven experienced Graders and up to three apprentice Graders were selected to grade the essay and PT answers. The groups convened for the purpose of calibration during two Saturdays in March and one Saturday in April. A member of the Examination Development and Grading Team (Grading Team) and members of the Committee of Bar Examiners supervised each group of Graders. At the First Calibration Session, the

Graders discussed discrepancies in the prepared analyses of their assigned question and any patterns or problems they found in the sample answer books they had been sent the previous week. They then determined what weights to assign to the issues raised by the question.

After this discussion, the Graders assigned grades to fifteen answer books. These books were copies of answer books written by a sample of the applicant group; the sample was stratified by law school, repeater status, etc., so that Graders saw a cross section of the applicant population who took the examination. They read the sample books, assigned a grade to each book and then discussed and debated the grades assigned. The Graders arrived at a consensus grade for each book. After reading and reaching consensus on fifteen books, the Graders independently read a new set of twenty-five answer books, without further discussion, and submitted grades for review at the Second Calibration Session.

At the Second Calibration Session, which was held one week after the First Calibration Session, the supervising member of the Grading Team distributed and discussed the grading guidelines that he or she drafted based upon the discussion at the first meeting. Graders received statistical information concerning their independent grading of the twenty-three books distributed at the first meeting and reread any of the answers where they were in significant disagreement. An additional ten answer books were read, discussed and assigned a consensus grade. The groups were then given their first grading assignments.

During the Third Calibration Session, which was held in April, Graders discussed any problems they had been experiencing and calibrated grades on an additional ten answer books to ensure that they were still grading to the same standards.

The July 2013 examination was graded using California's phased grading system, the goal of which is to focus resources on those answers written by applicants with scores right around the pass line and to resolve discrepancies between the first and second reading of examination answers. Those applicants who clearly pass and fail are eliminated from the grading process as early as possible.

After all written answers for each applicant were read by separate Graders, applicants whose total scaled scores after first read were 1440 or higher were considered as having passed the examination and applicants with total scaled scores of 1389.9999 or lower failed the examination (Phase I). Applicants with total scaled scores of 1390 - 1439.9999 had their written answers read a second time by different Graders (second read or Phase II), and the averages of the first and second read grades were used in the calculation of the total scaled scores. Applicants who did not have grading discrepancies of more than 10 raw points between first and second read grades on any question with averaged total scaled scores of less than 1440 failed the examination, and those with averaged total scaled scores of 1440 or higher, passed the examination. Applicants with grading discrepancies more than 10 raw points between first and second read grades on any question, whose averaged total scaled score was less than 1440, had those answers referred to the supervising Grading Team member for resolution.

Grading Team members reviewed each answer with more than a 10 raw point discrepancy, and resolved the discrepancy by assigning a "resolution grade." The resolution grade, rather than the average of the discrepant grades, was used in the calculation of an applicant's total scaled score (Phase III). If an applicant's total scaled score after Phase III resolution grading was 1440

or higher, the applicant passed the examination. If an applicant's total scaled score after Phase III resolution grading was less than 1440, the applicant failed the examination. Unsuccessful applicants receive all the grades assigned to their written answers, including first read, second read and resolution grades, if applicable, in their result letters.

The scores on the written portion of the July examination were scaled to the MBE, i.e., the written scores were converted to a score distribution that has the same mean and standard deviation as the MBE score distribution. The scaled written score accounts for 65% of the total score and the scaled MBE counts for 35%. This procedure ensures that the difficulty of the examination remains constant from one examination administration to the next. For the July 2013 administration of the examination, the mean scaled MBE score in California was 1459 compared with the national average of 1443.

Results were mailed to applicants on time and made available via the State Bar's web pages through the Internet to applicants on November 22, 2013. The pass list was made available to the public and the press on November 25, 2013 also through the Internet.

The overall pass rate for the General Bar Examination was 55.8 and for the Attorneys' Examination was 35.5%. The pass rate for first-time takers for the General Bar Examination was 67.7%; for first-timers on the Attorneys' Examination, the pass rate was 43.9%. The general statistics from the examination are attached as Attachment 1.

As is its general practice, the Committee commissioned a study of the July 2013 California Bar Examination. Attachment 2 is a report by GANSK & Associates entitled "Analysis of the July 2013 General Bar Examination."

The July 2013 examination essay questions with Selected Answers are included as Attachment 3 and the July 2013 examination Performance Test questions with Selected Answers are included as Attachment 4.