

# **COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM**

**AGENDA ITEM:** August 2016 – O-102

**DATE:** August 10, 2016

**TO:** Committee of Bar Examiners

**FROM:** Gayle Murphy, Senior Director, Admissions

**SUBJECT:** **Affirmation of July 11, 2016 Action Taken by Subcommittee on Examinations regarding June 2016 First-Year Law Students' Examination**

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## **BACKGROUND**

The Committee of Bar Examiners' (Committee) Subcommittee on Examinations met in closed session by telephone conference call on July 11, 2016 to consider taking action in response to an issue that was discovered in connection with administration of the June 28, 2016 First-Year Law Students' Examination (FYLSX). One of the four essay questions, Question 3, on the examination tested on a subject (Criminal Procedure) that students generally are not taught in their first year of law study and which is not one of the subjects within the scope of the FYLSX. In accordance with the Committee's policy, the Subcommittee on Examinations took action on behalf of the Committee in response to the incident.

## **DISCUSSION**

Since administration of the examination, applicants who took the examination received three notices regarding the incident: the first two were emailed to them and the last one will be included with their results from the examination, which are scheduled to be mailed to them on August 12, 2016. Attached as Attachment A are copies of all three Notices.

So that the action taken by the Committee can be duly recorded in the Committee's meeting minutes, the action taken by the Subcommittee should be affirmed.

## **RECOMMENDATION**

It is recommended that the Committee affirm the action taken by Subcommittee, which was that the answers submitted for Question 3 should be graded and returned to the applicants for informational purposes, but the grades not be used in the calculation of the total scores on the examination; that all applicants should be given grades of 100 on Question 3 for scoring purposes; that, in addition, an imputed grade for Question 3 should be calculated for each applicant, using the highest grade received on any of the other essay answers by each applicant to identify additional applicants, if any, who may pass the examination or be entitled to have their examinations reappraised; and that the examination otherwise should be scored in the standard manner.

## **PROPOSED MOTION**

It is recommended that the following motion be made and adopted:

Move that in response to an incident concerning the subject matter of Question 3 on the June 2016 First-Year Law Students' Examination, which tested criminal procedure instead of criminal law, the following action of the Subcommittee be affirmed: that the answers submitted for Question 3 be graded and returned to the applicants for informational purposes, but the grades not be used in the calculation of the total scores on the examination; that all applicants be given grades of 100 on Question 3 for scoring purposes; that, in addition, an imputed grade for Question 3 be calculated for each applicant, using the highest grade received on any of the other essay answers by each applicant to identify additional applicants, if any, who may pass the examination or be entitled to have their examinations reappraised; and that the examination otherwise be scored in the standard manner.