



## CA State Bar Reveals New Bar Grading Information

### New Reread Procedures In Effect For Bar Candidates With Scores Between 1390 – 1439.999

#### Phase I:

Bar applicants with total scaled scores of 1440 after the first read pass the bar. Applicants with total scaled scores of 1389.9999 or lower fail the bar.

#### Phase II:

Applicants with total scaled scores of 1390 – 1439.000 will have their written answers read a second time by different graders and the average of the first and second read grades will be used in the calculation of the total scaled score.

#### Phase III:

Applicants with grading discrepancies more than 10 raw points between first and second read grades on any question whose averaged total scaled score is less than 1440 will have those answers referred to a supervising Examination Development and Grading Team for resolution. They will review each answer with more than 10 raw point discrepancies and assign a resolution grade.

This grade, rather than the average of the discrepant grades, will be used in the calculation of the applicant's total score. Total scaled scores after Phase III

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AFTER YEARS OF EXPERIENCE WORKING WITH LAW STUDENTS AND BAR CANDIDATES, BAR MADE EASY IS PROUD TO PRESENT ITS:

## 10 Step Approach How To Take A Law School And Bar Essay Exam©

### 1. TIMING.

Write down your predetermined time allocation on your scratch or outline paper. For a one hour hand written exam, we recommend you outline for 20 minutes and write your answer for 40 minutes.

If you are a laptop student (which is our preferred choice), we recommend you outline for 30 minutes and type your answer for 30 minutes. The 10 minutes lap toppers will save should be used to further develop your outline as outlining is the most important part of the entire exam process.

You may need to slightly adjust your actual time according to the results from your practice tests. Remember to adhere to your allotted times.

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### Daily Journal Special Edition In May **Read Professor Becker's Answer To The February 2007 CA Bar Evidence Question**

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### 2. READ THE CALL OF THE QUESTION FIRST.

Read the call of the question first, which is usually the last sentence or two located at the end of an exam. From reading the call you may be able to determine what subject or subjects the exam is testing (which will be most helpful at the bar).

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resolution grading 1440 or higher pass while those under 1440 fail.

### **Grade Score Now Released:**

Unsuccessful applicants will now receive the grades to their written answers, including first read, second read and resolution grades, if applicable.

The decision to change the grading procedures was made with two goals in mind – to increase the precision of the grading of examination answers close to the pass line and to enhance the validity and reliability of the grading process by utilizing the expertise of the Examination Development and Grading Team to the greatest extent possible.

### **Applicants using laptops with SoftTest Installed**

Applicants using laptop computers with SoftTest installed are now able to use a laptop computer with the new Windows operating software Vista.

Also, applicants using laptop computers should pay careful attention to the directions and deadlines for uploading their exam answer files, which have been previously provided and will be distributed at the beginning of each written session of the exam. The final deadline for uploading exam answer files will not be extended, and answers received after the deadline will not be graded.

### **Newest administrative procedures**

Effective February 2007 the written answers of all unsuccessful bar examination applicants will be mailed will be mailed automatically to those applicants approx. four to six weeks following the release of results. Copies of exam answer materials will no longer be available.

### **Applicants no longer allowed to review the multiple choice questions they were tested on at the state bar office**

Beginning February 2007, the MBE answer keys will no longer be provided by the NCBE after results have been released. As a result, applicants will not be able to make an appointment to compare their MBE answer sheets with the MBE answer key.

### **While other states grade their essays by machine, CA does not**

Machines grade over 1 million essay questions nationwide. This method of grading is not currently used in CA but is expected to be implemented in the coming years.

### **Bar graders review up to 800 exams per bar**

Depending upon the number of students sitting for the general bar, on average, each grader receives approximately 700 – 800 exams to grade. The graders are not highly compensated for this task as they only receive a few dollars for each exam.

Graders take on this task mostly to give back to the legal community. The Bar recommends each grader review 25 exams per each working day. The Bar does not want the grader to wait until the last minute to turn them in.

### **On average, female students score higher than male students on the bar exam**

While men usually do better on multiple choice questions, women tend to do better on essays. Since 2/3's of the exam is essay, women have a slight edge over men.

### **Answer the questions**

The Bar Examiners want the students to ANSWER THE QUESTIONS. This basis concept will help increase each student's score. The conveyed message from the Bar is they are not trying to trick the applicant but want to get the applicant's best efforts. The Bar will write essays and multiple choice questions as clearly as possible to avoid confusion.

### **Foreign students do not receive extra time to write exam answers?**

Because English is usually the second or third language for most foreign students, many foreign students ask for extra time or an interpreter when sitting for the exam. The Bar denies these requests for fairness reasons viewing foreigners not as being disabled.

The call may also specifically state what issues you must analyze. If you can determine the subject or subjects being tested from the call, immediately write in an abbreviated form, your memorized issue spotting checklist(s).

Reading the call may also allow you to determine whether the exam is a racehorse (which tests many issues) or a thinkum (which tests your analysis of the stated issues being tested).

With a minority of exams, you may have to read through the exam once in order to determine the type of question being asked or to determine what issues the examiner is looking for.

### **3. READ THE EXAM, SENTENCE BY SENTENCE.**

Read each sentence of the exam word by word. Be sure to take note of all punctuation, including commas and quotations, as they usually trigger new issues.

You will have to read the facts more than once in order to gain a better understanding of the issues; thus, you will not miss any issues or arguments. During this process, when you identify an issue make a notation on the exam of the issue in pencil beside the corresponding fact(s).

### **4. CREATE YOUR OUTLINE WITH "IEFC" FOR ISSUE, ELEMENT, FACT AND CONCLUSION.**

After you fully issue spot and mark up the exam write your spotted issues onto your outlining paper which should be divided into four columns implementing Bar Made Easy's **IEFC** system.

Write each issue separately in the Issue column (your first column). If you have memorized a writing approach for any identified issue include it here in the Issue column.

### **5. BREAK APART EACH ELEMENT OF EACH RULE.**

For each identified issue, you will need to boil down your memorized rule into concise abbreviated

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individual elements. Write each element one below the other in the **Element** column (your second column).

This method will guarantee that you will address each element separately when writing your answer.

### **6. WRITE DOWN SEPARATE FACTS TO SUPPORT EACH ELEMENT OF YOUR RULE AND THEN CONCLUDE.**

In the **Fact** column (your third column), copy the supporting facts from the exam and write them here.

Each supporting fact should be written next to its corresponding stacked element in the **Element** column (your second column). Try to have at least one fact next to each element.

Draw an arrow from the fact in the third column to the element in the second column as this is how you will be writing your answer in the "fact to element" style.

Depending upon the number of facts raised and whether they support the elements of the rules, draw a concise conclusion and place it in the **Conclusion** column.

### **7. LOOK FOR ADDITIONAL ISSUES USING YOUR ISSUE SPOTTING CHECKLISTS(S).**

With the facts in mind, review your issue spotting checklist(s) written down in step 2 to determine if there are any other issues being tested in your exam.

Should you identify another issue write it on your **IEFC** outline in the **Issue** column and repeat the entire process.

### **8. READ THE EXAM ONE LAST TIME.**

Read the exam one last time sentence by sentence to be sure you used all the exam facts. All facts must be considered and used (especially at the bar).

Facts can raise either a new issue or can be included in the **Fact** column next to a corresponding element to either support or defeat an element of an already discovered issue in the **Issue** column.

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10 Step Approach (continued from page 3)

Therefore, missing facts can negatively affect your grade.

Be sure to **IEFC** all newly spotted issues directly onto your outline. Remember, the better your outline, the better your answer.

## 9. LAST MINUTE DETAILS.

In the final moments of the outlining process (20 minutes for hand writers and 30 minutes for lap toppers), review your outline one last time for completeness.

Does your outline follow the call of the question? Did you use all the facts in the exam? Did you break apart each issue into individual elements? Are there enough facts supporting each of your elements of your rules? Did you raise any non-issues that need to be removed from the outline?

Is there enough information on your outline that you can write your answer without having to refer again to the exam itself?

## 10. WRITE YOUR ANSWER AND FINISH ON TIME.

Write your answer using your **IEFC** outline as your guide and always keep in mind your time allocation (40 minutes for hand writers and 30 minutes for lap toppers).

Begin by writing your first Issue as a bold and underlined headnote. Unless your professor directs you otherwise, it is not necessary to write a rule statement, especially at the bar. There are no points allocated for rule statements and you are using time that could be better used writing your answer.

Next, skip a line and begin writing your analysis of this issue by addressing each fact from the **F**act column in the third column to the corresponding element from the **E**lement column in the second column.

Strive to have the fact and the element incorporated into one sentence and always begin with the facts first. If the element is debatable, you may need to include another sentence or two and raise those facts to develop your counter arguments.

Be sure to skip a line between each fact to element sentence. After you have written on each element, skip a line and write a concise conclusion.

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Following your outline, begin writing your next issue as a bold and underlined headnote and repeat the above process for each issue on your outline. If time is running short, be sure to include remaining issues on your outline in your answer even if your analysis is brief.

Make copies of this well tested approach and keep it handy for your reference when taking practice exams. The benefits of applying our approach to actual exams are numerous. Your issue spotting skills will develop because you will become fact sensitive, your fact to element analysis writing style will continue to develop, your timing will improve and you will be able to finish on time.

With practice, you will be able to apply these important steps automatically to any exam and truly write a superior answer with confidence! Good luck!

## FYI On The MBE

*Professor Irene Basdakias asked questions and shares information learned at State Bar Seminar*

Are bar multiple choice questions ever repeated on bar exams?

30% of the multiple choice questions are reused on different bar exams.

Are bar multiple choice questions ever thrown out?

On average, 1-2 questions will be thrown out for various reasons. If a response to a question is odd, an adjustment may be made. Either the question could be removed or all applicants receive credit for that particular question. Around 5% of questions are flagged and reviewed.

Do multiple choice questions test a student's issue spotting abilities?

Multiple choice questions do not test issue spotting skills but they do test legal reasoning. This point cannot be stressed enough. A student does need the knowledge of the law but that is not what separates the passers from the failures.

The multiple choice instructions state that students cannot write in the question books. Why?

The reason for this is the Bar is afraid a student will write his answers in the booklet and not pencil them onto the scantron sheet. Since question books are not reused but discarded, you can mark up the questions as you would in practice.