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LETTER FROM THE CHAIR

I have had the privilege of serving on NCBE's Multistate Bar Examination Committee since 2001, the last four years as its chair. The MBE Committee is responsible for working closely with NCBE staff in the preparation and administration of the MBE and for ensuring the quality of the MBE for purposes of bar admission, including issues related to the reliability of the test.

The MBE consists of multiple-choice questions from the content areas of Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts. Civil Procedure will be added to the MBE effective with the February 2015 administration. Drafting the multiple-choice questions is the responsibility of separate drafting committees established for each of the content areas. The drafting committees are made up of nationally recognized experts in each subject who have had years—in some cases, decades—of experience in drafting multiple-choice questions for the MBE.

Once questions are drafted, each member of the MBE Committee is assigned a content area for the purpose of conducting an expert review. This involves meeting with an outside expert in that content area to review a set of the proposed questions and answers and providing feedback to the drafters. The review process is intended to examine the clarity of the questions and independently assess the correct answers, as well as to compare the correct answers with the distractors (i.e., the incorrect answers). Just as important, in my view, is making an assessment of the relevance of the knowledge and skills tested and the credibility of the scenario presented in each question.

I recently conducted an expert review of the Real Property questions with a Real Property professor at Florida State University. I could not help but reflect on the improvements made over the years in the quality of the questions. A concerted effort has been made to get away from complicated, never-seen-in-real-life questions that would call for the old complaint, "That sounds like a bar exam question." The goal is to clearly present fact patterns and legal issues that a beginning lawyer might encounter in the representation of a client. A minimum competency exam testing important areas under timed conditions is no place for obscure legal concepts (no matter how interesting).

MBE questions are designed to test whether the applicant grasps a particular legal concept. As all bar examiners know, the real challenge is to produce attractive distractors that separate examinees who understand these concepts from those who don't without making the questions either too difficult or too easy.

In an effort to increase the reliability of the MBE, a number of questions are pretested on each administration of the test. While these questions are not scored for the examinee, the statistics on how these questions perform in an actual testing situation are useful in determining the appropriateness of the questions for use as scored items in the future.

The process NCBE follows in developing the MBE—relying on the knowledge of experts to draft questions in each of the MBE content areas, conducting separate expert reviews of the questions, and following a question pretesting process—can give the public confidence that the MBE serves its valuable purpose in assessing applicants for their qualifications to practice law.

Looking ahead to NCBE's major event of the year, our invitational Annual Bar Admissions Conference in Boston this April promises to be exceptional, as always. The Education Committee, chaired by Missy Gavagni, has put together a program designed to engage every bar examiner from the newest to the most seasoned. I remember the first Bar Admissions Conference I attended in the mid 1990s in Chicago. I smugly thought that we in Florida had nearly all the answers to bar admissions issues, but I learned that there was a whole new world out there. It is a world of constantly emerging challenges, as well as opportunities, to inspire—and sometimes frighten—bar examiners and judges alike.

As in the past, this year's program covers character and fitness, testing, bar admissions, and the ADA. A roundtable is scheduled for Supreme Court justices during which they can discuss bar admissions issues among themselves. Another roundtable is scheduled for representatives of the 13 jurisdictions that have adopted the Uniform Bar Examination to give them the opportunity to share experi-



ences and discuss issues related to the UBE.

The presentations on character and fitness issues range from challenging some of our long-held assumptions regarding character and fitness to predicting the future behavior of bar applicants. Another presentation provides an in-depth review of real-case experiences, which should be a beneficial session, as I have found over the years that exchanging war stories can be rewarding (as well as therapeutic).

For those bar examiners involved in test preparation, there is a nuts-and-bolts session on testing, a look into the future of testing (no more paper and pencil?), and a status report on the Uniform Bar Examination.

On the bar admissions front, those interested in a global view will have the opportunity to hear presenters from the United Kingdom share their experiences with licensure in the United Kingdom. Closer to home, another session will feature a panel discussing critical issues affecting bar admissions in the United States (such as the shrinking pool of law school applicants). Another session will look at the future of our profession in terms of diversity issues.

Two plenary sessions will focus on the ever-present challenges of the ADA and mental health issues.

The topics of greatest interest to the bar admissions community are well represented in this year's conference sessions. Attendees are certain to find much to interest them. Also, I hear Boston is gorgeous in April. I hope to see many of you there. 📍

Best regards to all.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin R. Harrison". The signature is written in a cursive, flowing style.

Franklin R. Harrison