

THE TESTING COLUMN

THINGS THAT WILL NOT AFFECT BAR PASSAGE RATES—AND THINGS THAT WILL

by Susan M. Case, Ph.D.

One of the most common issues raised by those involved in bar admissions is that of bar passage and how modifications to the bar examination would affect the pass rate.

To check your understanding of the underlying issues, please answer the following questions. Then see page 26 for the correct answers and explanations.

1. In a jurisdiction that scales written scores to the MBE, an essay grader who usually has an average grade of 3 has decided to be more lenient this year and intends to have an average grade of 4. If he convinces the other graders to also grade more leniently, will this increase the pass rate for his jurisdiction?

- A. Yes, because if the average grade is 4 instead of 3, more people will pass.
- B. No, because an average grade of 4 will be scaled to the average MBE score in the jurisdiction and result in the exact same scaled score as if the average grade had been 3.

2. A jurisdiction that scales written scores to the MBE has decided that the essay exam is too difficult. If it administers easier questions, will the pass rate for the jurisdiction increase?

- A. Yes, because the average grades will be higher for the easier questions than they



would have been for the harder questions.

- B. No, because when the average grade is scaled to the MBE, it is converted to the average MBE score for that jurisdiction.

3. A jurisdiction has decided to change the weights of the bar exam components and increase the weight of the MBE from 40% to 50%. Will this change

in weighting affect the pass rate of the jurisdiction?

- A. Yes, because the MBE is the hardest part of the bar exam.
- B. No, because the pass rate will remain the same regardless of how much each component is weighted.

4. If the MBE is easier one year than the next, will the pass rates increase for the easier exam?

- A. Yes, because the exam is easier.
- B. No, because the exam scores are equated.

5. The pass rate for a jurisdiction is 56% in February and 73% in July. Does this mean that the February exam was harder than the July exam?

- A. Yes, because the pass rate was much lower in February than in July.
- B. No, because the exam scores are equated. The lower pass rate in February means that the February examinees were not as proficient as the July examinees.

Answers:

1. B.

Grading written material more leniently or stringently does not affect the pass rate for any jurisdiction that scales its written scores to the MBE (which almost every jurisdiction does). For example, assume that your jurisdiction's average MBE score is 140. If your average essay grade is 3, the 3 will be scaled to 140. If you grade more leniently and your new average essay grade is 4, the 4 would also be scaled to 140.

2. B.

Using easier or harder written questions does not affect the pass rate for any jurisdiction that scales its written scores to the MBE. The rationale is the same as for #1. For example, assume that your jurisdiction's average MBE score is 140. If harder essays result in an average grade of 3, the 3 will be scaled to 140. If easier essays result in an average grade of 4, the 4 would also be scaled to 140.

3. B.

Changing the weight of the components does not affect the pass rate for a jurisdiction. Changing the weights of the components will affect *who* passes, but it will not affect the *percentage* of those who pass. For example, assume that your jurisdiction weights the MBE 40% and the written component 60%, and your jurisdiction's average MBE score is 140. After you scale your written material to the MBE, the average written score will also be 140. When you add the scores together based on the weight assigned to each component, the total will not vary.

Example

$$(0.40 \times 140) + (0.60 \times 140) = 140$$

(weight of 0.40 times the average MBE score plus weight of 0.60 times the average written score)

$$(0.50 \times 140) + (0.50 \times 140) = 140$$

(weight of 0.50 times the average MBE score plus weight of 0.50 times the average written score)

Note that to calculate the total score for an individual, the equation would substitute that individual's scores for the average scores shown above. As a result, an individual's total score will be affected by the weighting, but the overall average scores for the jurisdiction and the overall pass rate for the jurisdiction will not change. Weighting the scores 50/50 equalizes the results for those who outperform on the MBE and those who outperform on the written component.

4. B.

An easier MBE will not affect the pass rates. Because the MBE is equated, the scaled scores will have the same meaning. For example, the scaled score for a raw score of 110 might be 115 if the exam was particularly difficult, or it might be 109 if the exam was particularly easy. Only scaled scores are appropriate to report or to use in any calculations. Raw scores should not be used because their meaning fluctuates with exam difficulty. I am not aware of any other standardized or professional licensing exam that provides raw scores; typically only scaled scores are provided to examinees.

5. B.


A different pass rate from one administration to another does not imply a difference in the difficulty of the exam; it implies only a difference in the proficiency of the examinees. Equating the MBE scores across test administrations produces a scaled score that has the same meaning over time. A February pass rate of 56% followed by a July pass rate of 73% means that the July examinees were more proficient than the February examinees.

Answering the above questions correctly requires an understanding of scaling and equating. For more detail on scaling, see “Frequently Asked Questions About Scaling Written Test Scores to the MBE” (THE BAR EXAMINER, Nov. 2006, *available at* http://www.ncbex.org/uploads/user_docrepos/750406_Testing.pdf) and “Demystifying Scaling to the MBE: How’d You Do That?” (THE BAR EXAMINER, May 2005, *available at* http://www.ncbex.org/uploads/user_docrepos/740205_testing.pdf). The former article discusses *why* to scale, while the latter article gets into detail about *how* to scale. For more detail on equating, see “Equating the MBE” (THE BAR EXAMINER, Aug. 2005, *available at* http://www.ncbex.org/uploads/user_docrepos/740305_Kane_and_Mroch.pdf).

So, if none of these practices affects the pass rate, what does affect it? Simply put, the only ways to increase the pass rate are to test more knowledgeable examinees or to lower the standard for passage. Examinees will perform better on the exam if they are better prepared. They should be familiar with test administration procedures to ensure that there are no last-minute surprises. In addition, examinees should learn as much about the exam as they can.

They should become familiar with the exam content by reviewing the NCBE website, www.ncbex.org, and their jurisdiction’s website. There is a significant amount of free material on the websites that should be useful.

We also recommend that examinees avail themselves of the low-cost Online Practice Exams (OPEs) on our website. We offer three sample MBE half-day exams; each includes recent exam questions along with an explanation of why each correct answer is correct and why the incorrect answers are wrong. These explanations were written by drafting committee members responsible for writing and reviewing the questions on the exam. Scores on these OPEs provide a useful indication of projected scores on the actual MBE.

I hope that this article clears up any misconceptions about the relationship between the grading and features of the bar exam and bar passage rates. Please do not hesitate to contact us if this column raises any questions. 

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