

MARYLAND STATE BOARD OF LAW EXAMINERS
Description and Tips on the Written Test for the General Bar Exam

The Written Test is administered on the first day of the two-day Maryland General Bar Examination. The test is designed to require six hours of writing time. For the standard administration of the exam, three hours are allotted to the morning session and three hours to the afternoon session. Applicants requesting and receiving test accommodations under the Americans with Disabilities Act may have alternate test schedules. This documents generally discusses the standard administration of the exam.

The Written Test consists of ten essay questions prepared by the State Board of Law Examiners (“Board”) and a single Multistate Performance Test (MPT) question, which is published by the National Conference of Bar Examiners. The morning (AM) session consists of the single MPT question and essay questions One through Three. The afternoon (PM) session consists of essay questions Four through Ten.

The Board recommends allocating twenty-five minutes for each of the ten essay questions and ninety minutes for the MPT. That recommended allocation leaves fifteen minutes in the morning session and five minutes in the afternoon session to be used at your discretion. Those allocations are recommendations only, and you may exercise discretion in apportioning their examination time. Writing/typing beyond the allotted time is a violation of examination rules.

The Board intends that each of the ten essay questions carry equal weight. No point values will be assigned on the printed test questions. Questions will be graded on a relative range of one (1) to six (6) points, and a score of zero (0) will be assigned only if an answer booklet is blank or the answer is otherwise totally unresponsive to the question.

The MPT is weighted one and one half (1.5) as much as a single essay question. The same six point grading format used for the essay questions is used for the MPT. The maximum possible raw score on the written test will be 69 points (a maximum of 60 points for the ten essay questions plus a maximum of 9 points for the single MPT question).

Number any subparts of your answers to correspond to the question subpart numbers in the question, but do not copy the questions. You may use the question books and statutory extracts for scratch work. You may keep the essay question books and associated statutory extracts. However, you must return all of the MPT test materials.

Laptop-user answers – Applicants wishing to use their laptops on the Maryland General Bar Exam must use SofTest[®] by ExamSoft (unless SBLE has granted ADA-test accommodations with which SofTest[®] is incompatible.) SofTest[®] is licensed security software designed to provide a basic word processor while locking out access to all other programs resident on the computer during testing, including Internet access. SofTest[®] is designed to be familiar to users of Microsoft Word. Copy, cut, paste, bold, italics, and underlining are available. Spell check is not available (except to applicants applying for and receiving ADA test accommodations that include the use of spell check). Answers are printed with standardized font and line spacing, but without change to the content and organization of the answers. Laptop users must type each answer in the corresponding answer field in SofTest[®]. Applicants typing in the wrong field must notify the Board at the examination site of the error so the Board may remedy the error. The Board makes every effort to correct such errors, but cannot guarantee that an answer which is typed in the wrong answer field will be located if the error is not identified at the exam

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site. To aid in identifying such errors, the Board recommends labeling your answer by typing the question number at the start of your answer.

Hand written answers - The Board will distribute exam answer books to those applicants choosing to hand write the exam. The cover of each hand writer answer book identifies the question to be answered in that book. Hand writers must furnish their own pens with permanent dark blue, blue-black, or black ink so the writing can be easily read. You should print your answers if your handwriting is difficult to read. . Use one side of the page only if hand writing. The Board cannot grade an illegible answer. Hand writers must write each answer in the corresponding answer book. Applicants writing in the wrong answer book must notify the Board at the examination site of the error so the Board may remedy the error. The Board makes every effort to correct such errors, but cannot guarantee that an answer which is written in the wrong answer book will be located if the error is not identified at the exam site. To aid in identifying such errors, the Board recommends labeling your answer by writing the question number at the start of your answer. All examination answer books must be turned in even if the books are blank. Do not remove any pages from your examination answer books.

Examination Scoring and Pass/Fail Determinations

The requirements for passing the Maryland Bar Examination are detailed in the Bar Admission Rules under Board Rule 5.

1. To pass the Examination, an applicant must achieve a **Total Scale Score of 406 or higher**.

2. The Board computes each applicant's Total Scale Score for the Maryland Bar Examination using the following formula:

$$\text{Total Scale Score} = (\text{Written Scale Score} \times 2) + \text{MBE Scale Score}$$

This formula weights the Written Test Score twice as much as the MBE Score. Written Test and MBE scale scores will be rounded to the nearest integer value and reported as whole numbers.

3. The Board calculates each applicant's Written Scale Score by converting the Written Raw Score to the MBE Scale using the following formula:

$$\text{Written Scale Score} = [(A-B)/C][D] + E, \text{ where}$$

A = the sum of the applicant's raw scores on the 10 essay questions and the MPT (0-69)

B = the mean of the A values across all applicants

C = the standard deviation of the A values across all applicants

D = the standard deviation of all Maryland applicants' MBE scale scores

E = the mean of all Maryland applicants' MBE scale scores

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REGRADE POLICY

In addition to the above passing formula provided for by Board Rule 5, the Board has adopted a review and regrading policy which it applies, following the initial grading of the essay answers on the examination, to applicants who did not attain a passing score but who fell within a certain range just below passing. This review and regrading policy is subject to change from time to time and changes need not be formally published since it is a matter of policy only.

The current policy is as follows: **The Board will regrade the written test of an applicant whose total scale score is less than 406 after initial grading, but within 10 points of passing under the passing score criteria described above.** Ordinarily, this means that a test will be regraded if the initial total scale score falls in the range from 396 to 405. Each of the tests in the regrade range will be reread to assure that each question in it has been graded consistent with the benchmarks established by the Board for each question. If, on regrade, the written test score is increased enough to raise the Total Scale Score to 406 or higher, the applicant passes.

The regrading policy set forth above, as applied by the State Board of Law Examiners to those applicants who reach the regrade range following the initial grading process, is a procedure utilized by the Board before the examination results are released. **Once the initial grading and regrading are concluded and the examination results are released, there is no further regrade procedure and no appeal is permitted.**

SUGGESTIONS FOR SUCCESSFULLY ANSWERING ESSAY QUESTIONS

The following policy of the Court of Appeals of Maryland governs the preparation, administration, and grading of the examination:

"It is the policy of the Court that no quota of successful examinees be set, but that each examinee be judged for fitness to be a member of the Bar as demonstrated by the examination answers. To this end, the examination shall be designed to test the examinee's knowledge of legal principles in the subjects on which examined and the examinee's ability to recognize, analyze, and intelligibly discuss legal problems and to apply that knowledge in reasoning their solution. The examination will not be designed primarily to test information, memory, or experience."

The Board lists below some general suggestions for your guidance.

1. **The Examination is not a test of how much law you know.** It is a test of your ability to analyze, recognize and intelligibly discuss legal problems, and to apply your knowledge of legal principles to their solutions. Your answers should demonstrate your knowledge and understanding of how to apply the principles and theories of law to the facts given, and to reason logically and in a lawyer-like manner to reach a sound conclusion.

2. **Some individual questions may involve more than one subject area.** For instance, the facts presented may present ethical issues, which you must be able to recognize and resolve consistent with the Rules of Professional Conduct and the legitimate interests of the client.

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3. **Read each question carefully and in its entirety;** perform the factual analysis necessary to give you an understanding of the relationship of the parties, the resulting rights and duties and the significance of the facts set out. Many candidates are unsuccessful because of faulty or insufficient factual analysis. Decide upon an orderly and logical organization of your answer. Then begin to write your concise and complete answer.

4. **Follow instructions.** If you represent a party, argue the facts and the law, to the extent possible, consistent with the legitimate objectives of your client, anticipating the thrust of the opposing party's arguments. If you are required to prepare a memo for a judge, prepare the memo in accordance with the instructions and discuss, if necessary, the merits of both sides. Do not define terms unless requested to do so.

5. **Extracts are provided to help you, use them.** Extracts contain selected provisions of the Maryland Code and the Maryland Rules, which govern the facts and issues set forth in the question. Where the Board provides an extract, you should cite to the extract. (The Board does not, however grade on proper citation form.)

6. **Each question contains the facts sufficient to raise all pertinent issues.** Assume sparingly. Do not assume away facts, and do not assume facts not given. Do draw inferences from facts that are ambiguous.

7. **As a general proposition there is no preferred formula for the answering of questions;** The Board suggests that you use the logic and analysis appropriate to the facts given and for the question posed.

8. **Use proper, clear, and effective English.** (The Board does not however grade for grammar, spelling, or punctuation.)

The Board believes that the properly prepared applicant, with a proper understanding of the examination and a lawyer-like approach to the questions will demonstrate his or her competence with not too much difficulty. Best wishes for success.