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**FACTORS RELATED TO ATTORNEY APPLICANT
SCORES ON THE CALIFORNIA BAR EXAM**

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BACKGROUND

In July 1983, California's general bar examination was expanded to include a Performance Test (PT). The purpose of the PT is to assess an applicant's ability to carry out some of the tasks that a newly licensed lawyer would be expected to perform in practice. For example, a typical PT problem asks the applicant to prepare a memo to a senior partner regarding how to proceed in a particular client's case. In this type of problem, the applicant receives a case file that includes facts about that client's case (such as in the form of a will or an arrest report), court decisions in other cases, and copies of statutes.

There are two PT problems per exam. Each exam also includes a six-question Essay test and a 200-item multiple choice test (called the Multistate Bar Examination or MBE). One day (six hours) of testing time is devoted to each of these three test sections.

Applicants who have practiced law for at least five years prior to sitting for the California exam may take the whole exam or just the Essay and PT portions of it. All other applicants must take all three sections.

PURPOSE

The analyses described in this report examined whether applicants who were licensed to practice in another jurisdiction before taking the California exam scored higher on the PT than would be expected given their MBE and Essay scores. In other words, does actual practice experience contribute to PT scores? And, if attorney applicants do score relatively higher on the PT than would be expected, is this difference related to: the amount of time they practiced law before taking the California exam, the number of states in which they were licensed prior to taking this exam, whether they took the whole exam or

RESULTS

Table 1 summarizes the data across the five exams for three groups of applicants who were licensed in another state. These groups were: (1) those who had to take all three parts of the exam because they had been licensed outside of California for less than five years, (2) those who were eligible to take just the Essay and PT but who nevertheless sat for the whole exam, and (3) those who took just the Essay and PT.

Table 1

MEAN SCORES BY GROUP OVER FIVE EXAMS FOR APPLICANTS
LICENSED IN AT LEAST ONE OTHER STATE

Test Section	Had to take MBE	Did not opt out of MBE	Opted out of MBE
Essay	145.4	142.6	143.3
MBE	146.3	144.7	-----
PT	147.4	145.6	146.7
PT - Essay	2.0	3.0	3.4
PT - MBE	1.1	0.9	---
Years licensed	2.2	7.8	8.4
Number of applicants	1175	914	463
Percent minority	11.0%	16.7%	8.3%

The data in Table 1 show that attorneys tended to do relatively better on the PT than they did on the other two sections of the exam. This pattern held for all five of the exams studied (see Appendix A for the means on each exam). And, the difference between the PT and Essay within a group was consistently greater than it was between the PT and MBE.

The difference between PT and Essay means was positively correlated with the length of time the attorney had been licensed. In general, the

The foregoing findings suggest that the slightly higher Essay and PT scores among the applicants who only took these sections than among those who opted to take the whole exam probably did not stem from the former group being able to concentrate their bar exam preparation time on the Essay and PT. Moreover, because attorneys who take all three sections generally score higher on the MBE than the Essay, they probably would not improve their chances of passing the whole exam by opting to take just the Essay and PT.

After controlling on time between graduation and taking the California exam, there was no relationship between bar scores and the number of states in which an attorney was licensed. Attorneys who were licensed in just one state did just as well on the exam as those who had been licensed in several. This finding held for all three parts of the test.

CONCLUSIONS

The major findings that emerge from the analysis of the scores of the 2,552 applicants who took the California Bar Exam for the first time between July 1984 and July 1986 and who had already been licensed in at least one other jurisdiction were as follows:

- 1) They had slightly higher scores on the practice oriented PT portions of the exam than they did on the MBE or Essay sections. This trend held for each of the five exams studied.
- 2) The difference between their PT and Essay means increased with years since initial licensure; i.e., the longer the time since licensure, the greater the difference. Attorneys who had been licensed for about 8 years before taking the California exam scored about 9 percentile points higher on the PT than on the Essay section of this exam.
- 3) The longer the time between graduation and taking the California exam, the lower the scores on that exam. This trend held for all three sections and is probably a function of several factors,

Appendix A

ATTORNEYS WHO HAD TO TAKE ALL THREE SECTIONS

Test section	Exam Date					Total
	7/84	2/85	7/85	2/86	7/86	
Essay	142.3	147.4	144.5	146.7	145.7	145.4
MBE	142.9	149.2	146.0	146.5	147.5	146.3
PT	143.5	147.7	147.1	149.0	150.7	147.4
Number of applicants	269	249	198	267	192	1175

ATTORNEYS WHO TOOK ALL THREE SECTIONS BUT COULD HAVE TAKEN JUST THE ESSAY AND PT

Test section	Exam Date					Total
	7/84	2/85	7/85	2/86	7/86	
Essay	140.6	144.5	141.8	144.4	142.4	142.6
MBE	142.6	145.2	142.9	148.1	145.2	144.7
PT	142.5	144.9	146.9	147.7	146.3	145.6
Number of applicants	200	154	182	171	207	914

ATTORNEYS WHO DID NOT TAKE THE MBE

Test section	Exam Date					Total
	7/84	2/85	7/85	2/86	7/86	
Essay	139.5	146.9	141.7	146.5	142.7	143.3
PT	143.2	146.9	144.9	149.4	150.2	146.7
Number of applicants	118	99	76	84	86	463