

equated to account for differences in difficulty, an increase in average score would be offset in the equating process. Thus, additional time for all would not increase the final, scaled-score average.

Myth 5

The MBE is getting easier; scores keep increasing while applicants are getting less able.

Fact 5

Because the MBE is equated, a particular scaled score would indicate exactly the same level of knowledge from year to year. An overall increase in scores would mean that the high-scoring candidates actually were more capable than low-scoring candidates. In fact, the national average July MBE scaled scores have varied by about 2½ percent (five scaled score points) from the highest average score (in July 1994) to the lowest average score (in July 1984). The February scores are slightly lower overall, but they show the same degree of variation. The MBE scores in the mid-'70s were comparable to those in the late '90s. Changes in average MBE scores follow closely the variations in average scores on other measures of candidate ability, such as the LSAT, showing that changes in MBE scores mirror differences in the general ability level of the groups being tested rather than a change in the difficulty of the test.

Myth 6

The MBE discriminates against minority applicants.

Fact 6

The MBE neither widens nor narrows the gap in performance level between minority applicants and other applicants. Research indicates that differences in mean scores among racial and ethnic groups correspond closely to differences in those groups' mean LSAT scores, law school grade-point averages, and scores on other measures of ability to practice law, such as bar examination essay scores or performance test scores. Individual items on the MBE that are relatively difficult for one group are relatively difficult for all groups; the relative difficulty of the items within a

subtest (e.g., the Constitutional Law items versus the Torts items) does not differ from group to group. Finally, total MBE scores are not higher or lower from group to group than they are on other test formats.

All items on the MBE are reviewed for potential bias. Men and women serve on each drafting committee, and members of ethnic minority groups assist in the preparation and review of items at both the drafting committee level and at the level of MBE Committee and state board review. The National Conference of Bar Examiners is committed to diverse representation on all of its drafting and policy committees.

Myth 7

It is to an applicant's advantage to take the MBE several times because scores improve each time.

Fact 7

A 1998 study showed that applicants whose initial scores were low tended to increase their scores upon retesting, but that the advantage diminished with each repeat testing. The amount of gain was dependent on how many times the applicant had taken the test and also on the applicant's initial score; the lower the initial score, the higher the likely gain. With each repeat testing, the gains were smaller. On the other hand, some applicants with initially high scores performed less well upon retesting.

A 1996 study examined gains on items that applicants were known to have seen on a previous exam. (Thirty items were repeated from the previous exam.) The average gain was very small—less than half a score point on the entire examination. Retaking the test to encounter familiar items appears to have little or no practical advantage.

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