

BAR ADMISSION INFORMATION

**ANSWERS TO QUESTIONS ABOUT
THE BAR ADMISSIONS PROCESS**



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(DECEMBER 19, 2006)

OREGON STATE BOARD OF BAR EXAMINERS

5200 S. W. MEADOWS ROAD

P. O. Box 1689

LAKE OSWEGO, OREGON 97035-0889

(503) 620-0222, EXTS. 310, 311, 316, AND 410

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ANSWERS TO QUESTIONS ABOUT THE BAR ADMISSIONS PROCESS

General

1. *How are members of the Board of Bar Examiners (“Board”) appointed?*

Members of the Board are appointed by the Oregon Supreme Court. The Board is composed of 12 practicing attorneys and two non-attorney or “lay” examiners, all of whom serve without compensation. A lay examiner normally serves for one year but may be reappointed. An attorney examiner normally serves for three years. The three-year terms are staggered so that, at all times, the Board is composed of four attorney examiners who are serving their first year of their three-year term, four who are serving their second year and four who are serving their last year.

2. *What are the Board's responsibilities?*

The Board interprets and applies Oregon statutes which deal with Bar admission and the Oregon Supreme Court Rules for Admission of Attorneys. In accomplishing this work, the Board has both “administrative” and “substantive” functions.

The Board's major administrative responsibilities are:

- Preparing and grading the 9 essay questions,
- Reviewing the Multistate Performance Test (MPT), attending an MPT workshop, and also grading the MPT.
- Accepting properly completed applications for admission and administering the bar examination (except the MPRE), and
- Reviewing rules for admission and recommending changes to the Oregon Supreme Court.

As an arm of the Supreme Court, the Board's substantive decisions are reviewed by the Supreme Court before those decisions are final. The Board's major substantive responsibilities are:

- Determining whether each applicant has the requisite character and fitness to practice law,
- Determining passing scores for the essay questions, the MBE, the MPT, and the MPRE, and
- Acting on petitions for waivers of

the Supreme Court's Rules for Admission of Attorneys.

3. *Why is there a bar examination?*

The reason for having a bar examination is to protect the public. The examination is used to ensure that persons admitted to the bar have attained the minimum competence necessary for them to effectively represent their clients. A bar examination is the best method for applying a uniform standard to the graduates of all law schools.

4. *Who must take the bar examination?*

Except for attorneys, who comply with the provisions of Rule 11.05, 15.05, and 16.05, all persons who wish to practice law in the State of Oregon must take the Oregon bar examination. This includes attorneys who have been admitted to practice in another jurisdiction. The examination is the same for all applicants; there is no separate "attorney examination." Also, there is no admission on motion.

Oregon does have reciprocal agreements with the states of Idaho, Utah and Washington. Attorneys admitted in Idaho, Utah, and/or Washington, who meet certain requirements, may make application in Oregon via reciprocity.

Also see the rules regarding admission as House Counsel and admission of law teachers.

Preparing for the Exam

5. *What are the recent pass rates for the examination?*

The following table shows the percentage of applicants who passed on their first attempt:

2004		2005		2006	
Feb.	July	Feb.	July	Feb.	July
77%	74%	65%	76%	74%	82%

The following table shows the overall percentage of persons who passed:

2004		2005		2006	
Feb.	July	Feb.	July	Feb.	July
66%	67%	58%	71%	67%	74%

6. *Are there review courses that are available to prepare for the examination?*

Yes. The Board does not produce any list of courses and does not endorse any courses. You may contact your law school for information and recommendations.

7. *Can I see exam questions that were given in prior years?*

You may obtain copies of prior essay questions and their answer which addresses all issues and point allocations for \$25.00 for each

examination desired, from the Board of Bar Examiners. Sample MBE, MPT, and MPRE questions are available from the National Conference of Bar Examiners. Information regarding their availability is available on the NCBE web site: www.ncbex.org and click on Multistate Tests. .

sample of questions which it uses to analyze the comparative difficulty of the current examination. This analysis enables the testing service to provide both raw scores and “scaled” scores for each applicant. The scaled score reflects an adjustment for the difficulty of the examination. .

The MBE, MPT and MPRE

8. *What is the MBE?*

The MBE (Multistate Bar Examination) is a national bar examination prepared by the National Conference of Bar Examiners. It is scored and analyzed by American College Testing (ACT). The MBE is administered on the second day of the two-day Oregon Bar Examination. The same examination is given on the same day in every state which uses the MBE.

The MBE consists of 200 multiple choice questions involving the following areas of law: real property, contracts (including some portions of the Uniform Commercial Code), torts, evidence, criminal law and constitutional law. This is a six-hour examination, divided into two three-hour sessions.

Each MBE includes questions that have been given on previous examinations. This provides the testing service with a control

Although an applicant may have taken the MBE as part of another state's bar examination, that score may not be substituted for taking the MBE portion of the Oregon bar examination, even if the score previously obtained would have been a passing score in Oregon. All applicants must take the current test, in Oregon, under conditions approved by the Board of Bar Examiners.

9. *What is the MPT?*

The Multistate Performance Test (MPT) is designed to test an applicant's ability to use fundamental lawyering skills in a realistic situation. The MPT examines six fundamental lawyering skills that are required for the performance of many lawyering tasks - Problem Solving, Legal Analysis and Reasoning, Factual Analysis, Communication, Organization and Management of a Legal Task, and Recognizing and Resolving Ethical Dilemmas. Each test evaluates an applicant's ability to complete a task which a beginning lawyer should be able to accomplish.

The materials for each MPT include a File and a Library. The

File consists of source documents containing all the facts of the case. The specific assignment the applicant is to complete is described in a memorandum from a supervising attorney. The File might also include, for example, transcripts of interviews, depositions, hearings or trials, pleadings, correspondence, client documents, contracts, newspaper articles, medical records, police reports, and lawyer's notes. Relevant as well as irrelevant facts are included. Facts are sometimes ambiguous, incomplete, or even conflicting. As in practice, a client's or supervising attorney's version of events may be incomplete or unreliable. Applicants are expected to recognize when facts are inconsistent or missing and are expected to identify sources of additional facts.

The Library consists of cases, statutes, regulations and rules, some of which may not be relevant to the assigned lawyering task. The applicant is expected to extract from the Library the legal principles necessary to analyze the problem and perform the task. MPT problems may arise in a variety of fields of law; Library materials provide sufficient substantive information to complete the task.

The MPT requires applicants to: (1) sort detailed factual materials and separate relevant from irrelevant facts; (2) analyze statutory, case, and administrative

materials for relevant principles of law; (3) apply the relevant law to the relevant facts in a manner likely to resolve a client's problem; (4) identify and resolve ethical dilemmas, when present, (5) communicate effectively in writing, (6) complete a lawyering task within time constraints.

These skills will be tested by requiring applicants to perform one of a variety of lawyering tasks. Although it is not feasible to list all possibilities, examples of tasks applicants might be instructed to complete include writing the following: a memorandum to a supervising attorney; a letter to a client; a persuasive memorandum or brief; a statement of facts; a contract provision; a will; a counseling plan; a proposal for settlement or agreement; a discovery plan; a witness examination plan; a closing argument.

The maximum length of an answer is eight pages. If you handwrite your answer, you will be provided with lined paper. (One side of paper only, and, one line of text per line only). If you use a laptop computer you are limited to 10,600 characters, including spaces. If your computer malfunctions during the exam, you will be provided with lined paper to handwrite your answer. (One side of paper only, and one line of text per line only).

10. *What is the MPRE?*

The MPRE is a national ethics examination prepared by the National Conference of Bar Examiners. It also is scored and analyzed by ACT. The MPRE consists of 60 multiple choice questions based on the law governing the conduct of lawyers, including the disciplinary rules of professional conduct currently articulated in the American Bar Association Model Rules of Professional Conduct, the American Bar Association Code of Judicial Conduct, as well as controlling constitutional decisions and generally accepted principles established in leading federal and state cases and in procedural and evidentiary rules. It is **not** based on the Oregon Rules of Professional Conduct to the extent that the Oregon Code differs from the ABA Model Rules.

A **separate** application is required for the MPRE. You may register on line at: www.act.org/mpre/services

The MPRE is administered three times a year in testing centers in several places in the United States. The testing centers in Oregon are in Eugene, Salem and Portland, but the MPRE is not given at all of the Oregon testing centers each time the MPRE is administered.

An applicant must take and pass both the Oregon Bar

Examination and the MPRE within 24 months of one another in order to qualify for admission to the Bar of the State of Oregon. The date that an examination is given shall be the date on which it is “taken and passed” if the applicant is successful. An applicant may take the MPRE **at any testing center** (not just an Oregon center) at any time within 24 months of passing the bar examination in Oregon. The 24 months may be 24 months **before** passing the bar examination in Oregon or 24 months **afterward**. An applicant need not have graduated from law school to take the MPRE, and the MPRE may be taken an unlimited number of times. No applicant can be admitted to practice until having passed the MPRE.

The Essay Examination

11. *What subject areas are tested?*

The subjects that can be covered by the examination are set forth in Rule 5.15 of the Supreme Court's Rules for Admission. The subject areas consist of the following:

- (a) civil litigation, including federal and Oregon procedure, and federal and Oregon rules of evidence;
- (b) commercial transactions, including the Uniform

Commercial Code (Articles I, II, and IX only), common law contracts, and related aspects of agency;

- (c) property, including transactions in real property, trusts, decedents' estates;
- (d) public law, including criminal law and procedure, federal and Oregon administrative law and procedure, constitutional law, and federal income taxation;
- (e) business organizations, corporations and partnerships;
- (f) torts; and
- (g) legal ethics (Oregon Rules of Professional Conduct- formerly Oregon Code of Professional Responsibility).

12. What types of questions should I expect?

The essay portion of the examination consists of 9 essay questions. This is a five hour and fifteen minute examination, divided into three sessions of one hour and forty-five minutes each. This gives an applicant an average of thirty-five minutes for each question.

The typical essay question is designed to raise a few major legal issues, each of which will have a number of subissues. It may cover more than one area of law,

although generally the major part of any one question is devoted to a single area of law. The same area of law may be the subject of more than one question on the essay examination.

You should be familiar with principles commonly embodied in legislative enactments throughout the United States, such as the statute of frauds and statutes of limitations. You must be familiar with the Constitution of the United States, which will be the basis for any question dealing with constitutional law.

The questions are based on common law principles. In addition, the following areas test statutes, rules and regulations:

- (1) the Uniform Commercial Code,
- (2) federal income taxation,
- (3) civil procedure,
- (4) evidence,
- (5) administrative law and procedure,
- (6) business organizations, and corporations, and
- (8) legal ethics.

You are not responsible for knowledge of Oregon law, except in the following subject areas:

- (1) Oregon Rules of Civil Procedure,
- (2) Oregon Rules of Evidence,
- (3) Oregon Administrative Law and Procedure, and
- (4) Oregon Rules of Professional Conduct (Legal Ethics).

13. What is expected in an answer?

A good answer should demonstrate:

- Responsiveness to the specific inquiry or inquiries in the question,
- Analysis and understanding of the material facts and legal issues involved,
- Knowledge of the principles of law involved and the application of those principles to the facts, and
- Ability to reason logically.

The examination does not seek a recitation of legal rules by rote, but rather a demonstration of knowledge of legal principles and the ability to think and reason by applying those principles to the facts, so as to come to a logical and coherent conclusion.

A frequently voiced complaint is that the essay questions present too many issues to permit full discussion within the time allotted. While the examiners do not seek superficial answers, they likewise do not expect law review articles. The purpose of the bar examination is to test minimum legal competence, not to identify and rank the best legal scholars. In this respect, the bar examination differs from law school examinations.

Experience has shown that the fairest means for measuring minimum legal competence is to

give applicants an opportunity to discuss more than just a few issues per question. If too few issues are presented, an applicant who misses even one of the issues may be unduly penalized. A bar examination question, moreover, must be sufficiently broad to afford all applicants a fair opportunity to demonstrate competence in the subject tested, despite differences in the approach and coverage accorded the subject by the different law schools.

It is a frequent error for applicants to discuss only what they believe to be the main and decisive issues without proceeding further. Prudent applicants will discuss **all** legitimate issues raised by the question, but without creating issues by assuming or adding facts not given. Each answer should include as full and complete a discussion on all of the legitimate issues as time and space will permit.

14. Must my answer be voluminous?

No. The maximum length of an answer is three pages. If you handwrite your exam answer, you will be provided with lined paper. (One side of paper only; and, one line of text per line only). If you use a laptop computer, you are limited to 4,000 characters, including spaces. If your computer malfunctions during the exam, you will be provided with lined paper to handwrite your answer. (One side

of paper only, and one line of text per line only).

Applicants who have seen answers which address all issues and point allocations prepared by the Board frequently think that they must write as comprehensively to score well on a question. This is not the case. The answers which address all issues are prepared as a guide in grading and are intended to cover in fair detail all of the legitimate issues that might be discussed by an applicant. The answers which address all issues usually contain substantially more analysis than any applicant could write within the time constraints imposed by the examination.

The examiners are fully aware that in the thirty-five minutes available for answering an essay question you must first read and understand the facts presented, then identify the legal issues presented, and finally analyze the problem before even beginning to write an answer. One of the most common errors committed by applicants is to start writing immediately without studying the question and taking time to analyze the issues. A lengthy answer is not necessarily a good answer.

15. What techniques should I employ in answering the essay questions?

The Board suggests that applicants follow these guidelines

in answering the essay questions:

- Read and reread the question carefully.
- Get the facts straight and understand what you are being asked to write about before you begin to write.
- Briefly outline the issues and think through the answer before you begin to write your answer.
- Restate the facts only insofar as necessary to explain your answer.
- Respond to the query or queries posed in the question. Unless the question otherwise states, each query in a question is accorded approximately equal weight in grading.
- Frequently, although not always, a question can be effectively answered by identifying the issues, stating the applicable rules of law, analyzing the facts in the light of the rules, and arriving at a conclusion or conclusions.
- Don't ignore issues merely because your conclusion on another issue would render them moot. Instead, address all issues fairly raised by the question just in case your conclusion on the other issue is incorrect.
- If a question, by its terms, eliminates an issue, do not try to raise an issue on that point.
- Avoid repetition.
- Do not feel compelled to cite cases.
- Write clearly and legibly. While

points will not be deducted for poor spelling or grammar or illegible handwriting, when such deficiencies make part of an answer unintelligible, credit cannot be given.

- Avoid phonetic spellings and unorthodox abbreviations. Common abbreviations, such as pl. for plaintiff and def. for defendant, will, of course, be recognized.
- Use paragraphs and sub-headings to separate ideas and issues in your answer.

16. *How are the essay questions written?*

Currently, for the February Examination, nine attorney members of the Board each prepare and grade one essay question. Depending upon the number of applicants for the July Examination, nine attorney members of the Board may choose a co-grader. If co-graders are used, the co-graders assist with the preparation and grading of an essay question.

For each bar examination the Board is divided into sub-committees to study and review the essay questions. Each proposed question and answer which covers all issues (commonly called a model answer) is submitted to the writer's subcommittee for review, and will normally go through a number of drafts before approval by the subcommittee for submission to the full Board. Each examiner also

prepares a point allocation for his or her question, dividing the question into issues and allocating the maximum number of points that can be earned for each issue. The point allocation assures consistency in grading.

When the question, answer that addresses all issues, and point allocations have been approved by the sub-committee, they are submitted to the entire Board for further review. At this point, both may undergo several more revisions before final approval for use on the exam.

17. *Are the essay questions reviewed by anyone outside the Board?*

Yes. After the examination has been given, but before the grading session begins, copies of the questions, the Board's model answers, and the point allocations are sent to each of the three Oregon law schools for review by their faculties. Faculty members are asked to review the questions and prepare critiques. Critiques have included comments on the appropriateness of the area of knowledge tested, the clarity of the question, the accuracy of the Board's model answer, and the allocation of points.

The Board reviews the law school critiques before grading, and point allocations or answers which address all issues are changed where appropriate. On a long-term

basis, the critiques are helpful in improving the quality of essay questions.

In addition, when the Board believes it appropriate to obtain pre-examination advice, the Board may ask practicing attorneys or out-of-state law professors to review and critique a proposed question, answer which addresses all issues and point allocation before the exam. Any such reviews are conducted in strict confidence.

Grading the Examination

18. How is a passing score on the MPRE determined?

The passing scaled score on the MPRE is 85. The Board periodically reviews the established MPRE passing score to determine if it should be changed.

19. How is a passing score on the MBE determined?

When the Board receives the MBE results from the National Conference of Bar Examiners, through ACT (American College Testing), it receives a raw score and a scaled score for each applicant. The passing score on the MBE has, for a number of years, been a scaled score of 142 out of a raw total of 200 points. Each time the MBE is given the Board reviews the examination results to determine if the passing

score should be changed.

Once the MBE score has been set by the Board for a particular examination, the Board standardizes the applicant's raw MBE scores, and the passing score is adjusted to 65. This standardization allows for an equal weighing of an applicant's MBE score with the applicant's essay scores.

20. How is the MPT graded?

All answers to the MPT are reviewed at the grading session. Prior to grading, Board members establish grading criteria, which are utilized throughout the grading process. Each answer is read by a grader who assigns a score to that answer. The answer is then given to another grader without the original score being made known to the second grader. A second grader then reads and assigns a score to the answer. The two grades are then compared and if the grades assigned are the same, that becomes the final score. If the two scores are not the same, the answer is given to a third grader who reads and assigns a score. The three graders then discuss the answer and, through review and discussion of the answer and the score, a final score is assigned.

21. *How are the essays graded?*

The essay answers are graded by the examiners at a grading session. The examiners travel out of town for the grading session and all grade at the same location. This assures that grading is consistent, finished at a predetermined time, and that the examiners are available to assist each other if problems arise. The grading session is timed to start just prior to the anticipated return of MBE scores. Passing scores for the essay portion of the examination, the MPT, and the MBE are set at the grading session. At the conclusion of the grading sessions the Board has compiled by applicant number a list of those who it will recommend to the Supreme Court as passing the examination.

Before actually starting to grade at the session, each examiner reads a number of answers to see how the applicants have responded to the question. While reading these papers, and even during the actual grading process, the examiner may modify the point allocation to include additional issues legitimately discussed by the applicants. Examiners also review the critiques prepared by the faculties of the three Oregon law schools and make any appropriate changes in their answers and point allocations prior to commencing grading.

Each examiner prepares a spread sheet which divides the

answer into issues and points allocated to those issues. The examiner records scores for each issue on the spread sheet, making a record of how the examiner arrived at an applicant's total raw score on the question.

22. *How are the passing scores determined for the essays?*

An examiner will tentatively fix a raw passing score at a level which, in the examiner's best judgment, reflects minimum legal competence in dealing with the issues.

After all the answers have been graded, the examiner meets with the other members of the subcommittee who review a number of the good, poor, and borderline answers. The subcommittee then establishes, for each question reviewed, a raw passing score for recommendation to the entire Board. The ultimate decision for establishing a raw passing score for a question lies with the entire Board. Demonstration of minimum legal competence remains the sole criterion for determining the raw passing score for any question.

23. *Is each essay question given equal weight?*

Yes. Once the raw passing score has been established for each of the 9 essay questions, an outside statistician, using recognized statistical methods, standardizes

the raw score for each applicant on each question to a common base and an adjusted passing score of 65. This allows each essay question to be given equal weight in determining an applicant's overall score on the essay portion of the examination.

24. *How is the overall passing score determined?*

The standardized score on the essay examination is combined with the standardized score on the MBE and the score on the MPT for one passing score. The MBE weighting is 50%, the essay portion weighting is 37.5% and the MPT weighting is 12.5%. A less than passing score on one portion may be compensated for by a higher score on another or other portions. An applicant need not pass the MBE, the MPT, or the essay portion of the examination separately to achieve a passing score on the examination as a whole. In order to pass the examination an applicant must have achieved a score of 65.000 or more.

25. *Are the essay answers ever reviewed/regraded?*

Yes. After the exams have been graded, and before the release of the grading results, the Board of Bar Examiners automatically reviews/regrades, the top 15% of the unsuccessful applicant's essay answers.

Examination Results

26. *When are the examination results announced?*

Examination results are generally announced about five to six weeks after the examination. You will be advised at the examination of the anticipated release date and, if possible, the date for the admission ceremony.

27. *How can I find out if I passed?*

MPRE

You will be asked on the MPRE application form the states to which you wish your score sent. If you request that your score be sent to Oregon, your name and score will be on a list sent to the Board by ACT after each MPRE examination is scored. The Board usually receives its list of scores from the testing service approximately four weeks after an MPRE test is given, and the applicants may receive their MPRE scores individually a few days **before** the Board receives its list. The passing score on the MPRE for Oregon is a scaled 85.

MBE/MPT/Essay Exam

The Supreme Court will send you a letter advising whether you passed or failed the examination. A list of the successful applicants also is made public by posting the list at the Supreme Court's offices in

Salem and at the Board's offices in Portland. Some newspapers print the list of successful applicants. You can also call the office of the Board, the Oregon State Bar or the Supreme Court to find out if your name is on this "passing" list. However, you should not rely on telephone notification as the official notification, since the person reviewing the list on the phone may, for some reason, inadvertently give out incorrect information.

It is anticipated that the list of passing applicants will be placed on the Internet at www.osbar.org and www.ojd.state.us.or . This list will be an unofficial list and applicants are cautioned to use this list as a reference only and to rely only on the official notification of exam results distributed by the Oregon supreme Court.

28. *Can I find out how I did on the examination?*

Successful applicants cannot review their MBE/MPT/essay examinations or find out their scores on the examination. For unsuccessful applicants, see the section below.

MPRE scores are directly reported to the applicant by ACT, for both successful and unsuccessful applicants.

Unsuccessful Applicants

29. *What happens if I fail the exam?*

If you fail the exam, following the release of the results, you will receive a mailing which includes information about reapplying for admission, and also informing you of your total grade on the examination, the grade on the MBE, the grade on the MPT and the grade on the essay portion of the examination as well as how you may inspect and/or obtain other information and copies of your essay and MPT answers.

30. *Can I review the MBE and MPRE questions and answers?*

MBE

Because some of the MBE questions are repeated to provide a control in comparing the difficulty of successive examinations, copies of the examination cannot be released to applicants. If you fail the exam, you also can have ACT hand score the answer sheet. Procedures for requesting hand scoring of the answer sheet may be obtained from the Board of Bar Examiners.

MPRE

There is currently no procedure

for reviewing the MPRE.

31. *Can I review the essay questions and answers?*

Unsuccessful applicants are automatically informed of their scores on the exam components and total score. If you fail the examination, you are entitled, on paying a fee to cover administrative costs, to obtain copies of your answers to the essay questions, a copy of the answer which addresses all issues and an issue outline with points for each essay question.

32. *Can I review the MPT question and answer?*

Unsuccessful applicants are automatically informed of their score on the MPT portion of the examination. If you fail the examination you may, on paying a fee to cover administrative costs, obtain a copy of your answer, a copy of the question, the Drafters Point Sheet, and the MPT Scoring Guide.

33. *Is there any limit on how many times I can take the exam?*

No. If you fail the exam, you may reapply to take the next examination, and you may continue to do so until you pass.

Confidentiality

34. *Is my application file*

confidential?

Yes. The Board of Bar Examiners is prohibited from disclosing any of its records, except as directed by the Supreme Court. The only items that are made public are the names of all applicants and the names of the applicants who successfully pass the examination.

Providing your Social Security Number is voluntary. It is used for identification purposes to match records MPRE, criminal history, etc.). Non-disclosure will result in delays in processing and/or admission.

If the Board recommends to the Supreme Court that an applicant be denied admission on character or fitness grounds, and the applicant contests the Board's recommendation, information in the applicant's file is provided to the Bar's Disciplinary Counsel and may necessarily become part of the public record during the contested admission proceedings.

The Board, however, may release an applicant's admissions file to:

- (1) A special investigator appointed under the rules relating to the holding of evidentiary hearings by the Board;
- (2) The Oregon State Bar's Disciplinary Counsel when an applicant seeks Supreme Court review of an adverse

admissions recommendation;

- (3) Counsel appointed by the Board when an applicant initiates civil proceedings against the Board in connection with the applicant's application; or
- (4) Admissions authorities in other jurisdictions which guarantee the confidentiality of admissions materials to the same extent as required under Oregon law.

In the case of Supreme Court review of an adverse or contested admissions recommendation or in the event of civil litigation, an applicant's file may necessarily become part of the public record.

With your written consent, and payment of \$25, information in an application file can also be provided to another jurisdiction if you apply for admission to practice law in some other state.

Upon request to the Executive Director of the Board of Bar Examiners by an applicant, the initial screening of the application by a member of the Board will be done anonymously, that is, the Board member will review the application without knowing the applicant's name.

35. *How does the Board preserve anonymity in the grading process?*

On the first day of the examination, you will receive a

three-part card with an applicant number printed on each third. (this will be the same number that was provided previously to laptop users). You then sign your name to two of the three parts of the card, and give the two signed cards to a proctor. The cards are secured by staff where they remain until the grading process is completed. You will retain the third part of the card to record the number on the MBE, MPT, and essay answer sheets.

The Board knows the applicants only by examination number during the grading process. Matching examination numbers with names is done by the Supreme Court after the Board has delivered to it a list of examination numbers with the final overall scores. The Board learns which applicants have passed the examination when the Supreme Court releases the results to the public.

36. *Are the examination results published?*

The published list shows the names of only those people who have passed the Oregon Bar Examination. The published list includes the names of those who passed the examination even if they have not yet passed the MPRE or been approved for admission on character and fitness grounds.

Character and Fitness

37. *What standard is applied by the Board in determining whether I qualify on moral character*

grounds to be an attorney?

An applicant has the burden of proving that he or she is a person of good moral character. Oregon law provides that the lack of “good moral character” can be shown by acts or conduct that would cause a reasonable person to have “substantial doubts about the individual's honesty, fairness and respect for the rights of others and for the laws of the state and the nation.” ORS 9.220.

38 What information does the Board consider in making this decision?

The Board considers the information supplied by the applicant and also conducts an outside investigation into the applicant's background and moral character. The extent of the outside investigation will depend upon a case-by-case evaluation of information supplied to the Board. For all applicants the outside investigation includes investigating any criminal record and contacting current and former employers.

In other cases, the Board may ask that further information be supplied by the applicant or that the applicant undergo professional evaluation by a physician or psychiatrist, at the applicant's expense.

39. Why does the Board ask about mental health counseling or treatment of applicants?

The Board understands that mental health counseling or treatment is a normal part of many persons' lives and that such counseling or treatment does not of itself disqualify an applicant from the practice of law. Furthermore, the Board has no desire to pry into the private affairs of applicants. However, the Board is obliged to determine whether any applicant suffers from a psychological disorder of such a nature or degree as to impair the applicant's fitness to practice law, and, therefore, must inquire into these matters to the extent necessary to make such a determination.

The Board is not seeking disclosure of counseling or treatment for a singular traumatic or upsetting circumstance, such as a death or a personal assault, that affected the applicant's ability to function on a day-to-day basis for a brief and limited time.

Please also see question #33 regarding confidentiality of applicants.

40. Will I be interviewed if the Board has concerns about my moral character?

Yes. After most investigative materials have been received the application files are reviewed by Board members. Some applicants may then be asked to appear for what is called a “small board interview.” During this interview, three or four Board members will

meet informally with an applicant. To assist the Board in discussing the interview, the interview is tape recorded. The recording is destroyed once the Board has found that no further information or action is necessary and the applicant has been admitted to the Bar of the State of Oregon.

In most instances, any questions or concerns can be resolved during the small board interview. However, on some occasions, additional information or action may be necessary and a Special Investigator may be appointed to assist the Board. Upon review of the Special Investigator's report the Board may determine that no additional action is necessary or that an Evidentiary Hearing should be held. The Hearing is more formal and is video taped and recorded by a court reporter. (See Rules 9.05 through 9.60).

An applicant must be recommended for admission by a majority of the nonrecused members of the Board.

41. *Who makes the final decision?*

In all instances, it is the Oregon Supreme Court that makes the final decision as to whether an applicant should be admitted, admitted conditionally, or denied admission.

Special Accommodations

42. *Can special examination arrangements be made if I am disabled?*

Yes. An applicant claiming inability to take the examination under regular conditions due to disability may request to take the examination under special conditions. The Board of Bar Examiners, in its discretion, may give the applicant the examination under special conditions that the Board considers appropriate under the circumstances.

The nature of the special examination conditions will depend upon the particular disability of the individual applicant.

Applicants must submit requests for special examination accommodations by no later than the deadline for filing applications, for each exam applied for, except where:

- (a) disability occurs after the application filing deadline; or
- (b) good cause exists for the failure to file an otherwise timely request.

An applicant seeking the Board's leave for special examination conditions must submit medical verification completed by a licensed physician (MD or DO practicing in the

medical specialty applicable to the applicant's disability) describing the nature and extent of the disability. The Board requires current documentation (within the last two years). The medical verification shall, at a minimum, describe:

- (a) The test(s) performed to diagnose the disability and the results of those tests;
- (b) The effect of the disability on the applicant's ability to take the examination under regular testing conditions; and
- (c) The recommended special testing conditions that would alleviate the effects of the disability in such way that administration of the examination would not discriminate against the applicant.

Applicants are also to submit a letter from the applicant's law school setting forth any special conditions that were provided to the applicant for examinations taken at the law school.

Applicants that took a bar exam in another jurisdiction where special accommodations/conditions were given must have that jurisdiction provide applicable information.

If applicant is recommended to the Supreme Court for admission, the recommendation must set forth

the special conditions under which the applicant was permitted to take the examination and the nature of the disability or disabilities.

Please contact the Board directly for more information and forms to use in making such request.

Bar Admission

43. How do I become admitted to practice law in Oregon?

Upon successful completion of the Bar examination and the MPRE and after the Supreme Court makes their decision regarding admission on moral character and fitness grounds, applicants eligible for admission will be notified of the time and place of the swearing in ceremony before the Court in Salem, Oregon. Applicants may take their oath of office at this ceremony or before an Oregon notary public or other person authorized to administer oaths, at a date after the formal swearing-in-ceremony date. See admission rules for rules regarding the filing of the oath.

Upon filing the oath with the Supreme Court, an applicant becomes a member of the Oregon State Bar (OSB). The OSB is an integrated bar - you must be an active member in order to practice law in Oregon. With membership in the OSB comes responsibilities (membership fees, compliance with

Oregon Rules of Professional Conduct, minimum continuing legal education requirements, required malpractice coverage), and benefits (voting rights, receipt of bar publications, committee and section membership, legal education opportunities). The OSB is very active in providing a full range of services to its members and you are invited to participate fully.

Fax: (503) 598-6990

E-Mail: mgholston@osbar.org

Hours: 8:00 a.m. to 5:00 p.m. *
(Monday through Friday)

** HOWEVER, AT TIMES, BECAUSE OF WORK RESPONSIBILITIES, THE ADMISSIONS OFFICE IS CLOSED.*

Web Page: www.osbar.org

44. If I am in arrears on payment of child support and/or in default on payment of a student loan, will that have any affect on my admission?

Applicants are advised to be aware of the provisions of ORS 25.750 and 348.393, as Oregon State Bar membership may be affected by these laws.

Additional Information

45. Who do I contact if I have other questions?

You may phone or write the Board's staff at:

5200 S.W. Meadows Road
P. O. Box 1689
Lake Oswego, Oregon 97035-0889

(503) 620-0222 - Oregon State Bar,
Exts. 310, 311, 316, and 410
In-State Toll-Free Line:
1-800-452-8260
Exts. 310, 311, 316, and 410