



Oregon State
Board of
Bar Examiners

OREGON BAR ADMISSION INFORMATION

BAR EXAMINATION
FREQUENTLY ASKED QUESTIONS

OREGON STATE BOARD OF BAR EXAMINERS
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TABLE OF CONTENTS

GENERAL	4
1. WHO MUST TAKE THE BAR EXAMINATION?	4
PREPARING FOR THE EXAM	4
2. WHAT ARE THE RECENT PASS RATES FOR THE EXAMINATION?	4
3. ARE THERE REVIEW COURSES THAT ARE AVAILABLE TO PREPARE FOR THE EXAMINATION?	4
4. CAN I SEE EXAM QUESTIONS THAT WERE GIVEN IN PRIOR YEARS?	4
THE MBE, MPT, MEE AND MPRE	4
5. WHAT IS THE MBE?	4
6. WHAT IS THE MPT?	5
7. WHAT IS THE MEE?	5
8. WHAT IS THE MPRE?	5
THE ESSAY EXAMINATION	6
9. WHAT SUBJECT AREAS ARE TESTED?	6
10. WHAT TYPES OF QUESTIONS SHOULD I EXPECT?	6
11. WHAT IS EXPECTED IN AN ANSWER?	7
11. MUST MY ANSWER BE VOLUMINOUS?	7
GRADING THE EXAMINATION	8
12. ANONYMITY	8
13. HOW IS THE MPT GRADED?	8
14. HOW ARE THE ESSAYS GRADED?	8
15. ARE THE ESSAY ANSWERS EVER REVIEWED/REGRADED?	8
EXAMINATION RESULTS	8
16. WHEN ARE THE EXAMINATION RESULTS ANNOUNCED?	8
17. HOW CAN I FIND OUT IF I PASSED?	9
18. CAN I FIND OUT HOW I DID ON THE EXAMINATION?	9
19. IS THERE ANY LIMIT ON HOW MANY TIMES I CAN TAKE THE EXAM?	9

CONFIDENTIALITY	9
20. IS MY APPLICATION FILE CONFIDENTIAL?	9
CHARACTER AND FITNESS	10
21. WHAT STANDARD IS APPLIED BY THE BOARD IN DETERMINING WHETHER I QUALIFY ON MORAL CHARACTER GROUNDS TO BE AN ATTORNEY?	10
22. WHY DOES THE BOARD ASK ABOUT MENTAL HEALTH COUNSELING OR TREATMENT OF APPLICANTS?	10
23. WHO MAKES THE FINAL DECISION?	10
SPECIAL ACCOMMODATIONS	10
24. CAN SPECIAL EXAMINATION ARRANGEMENTS BE MADE IF I AM DISABLED?	10
BAR ADMISSION	10
25. IF I AM IN ARREARS ON PAYMENT OF CHILD SUPPORT - WILL THAT HAVE ANY EFFECT ON MY ADMISSION?	10
ADDITIONAL INFORMATION	11
26. WHOM DO I CONTACT IF I HAVE OTHER QUESTIONS?	11

ANSWERS TO QUESTIONS ABOUT THE BAR ADMISSIONS PROCESS

General

1. **Who must take the bar examination?**

There are several alternative routes to becoming a lawyer in Oregon. Most applicants will need to take the bar exam. Some people may qualify for admission to practice under another provision of the rules. Examples include: Reciprocity for lawyers admitted in other states; In-House Counsel and Law Teacher admission.

Each of the alternate methods for admission has specific eligibility requirements. Other categories, such as House Counsel, have limits of the scope of the license to practice law. Applicants interested in these alternate routes to admission, are advised to review carefully the rules. The rules are available at this link:

http://www.osbar.org/_docs/rulesregs/admissions.pdf

Preparing for the Exam

The Oregon bar exam is a two-day exam. It is administered twice each year, in February and July.

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

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

2014		2015		2016	
Feb	July	Feb	July	Feb	July
80%	71%	69%	68%	69%	62%

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

2014		2015		2016	
Feb	July	Feb	July	Feb	July
66%	65%	64%	66%	60%	58%

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

Yes. The Board does not endorse any one course, but you may find a list of courses on our website at this link: <http://www.osbar.org/admissions/examprep.html> You may also wish to contact your law school for information and recommendations.

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

Sample MBE, MPT, MEE 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.

Previously tested locally drafted essays can be found on the Oregon State Bar's website at www.osbar.org/admissions/examprep.html.

The MBE, MPT, MEE and MPRE

5. **What is the MBE?**

The **MBE** consists of 200 multiple choice

questions. The topics include: real property, civil procedure, 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.

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.

6. What is the MPT?

The **MPT** (Multistate Performance Test) is designed to test an applicant's analytical skills. 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. Applicants answer the MPT using only the law provided in the materials.

You can find additional information about the MPT, included samples of past exam and grading materials at www.ncbex.org.

7. What is the MEE?

The **MEE** (Multistate Essay Examination) is a collection of essay questions drafted by the National Conference of Bar Examiners. The typical essay question is designed to raise a few major legal issues, each of which will have a number of sub-issues. 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.

8. 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 ABA Model Rules of Professional Conduct.

The Oregon Board of Bar Examiners does not administer or grade the MPRE. A **separate** application is required for the MPRE. More information is available at www.ncbex.org.

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). The 24 months may be 24 months **before** taking 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.

The Essay Examination

9. What subject areas are tested?

Each applicant shall be examined as to requisite general learning in subjects selected by the Board from the following topics:

- (a) Administrative Law (Oregon and Federal Law)

- (b) Agency
- (c) Civil Procedure (Oregon and Federal Law)
- (d) Constitutional Law
- (e) Contracts
- (f) Corporations
- (g) Criminal Law
- (h) Criminal Procedure
- (i) Evidence (Oregon and Federal Law)
- (j) Federal Income Taxation
- (k) Legal Ethics (Oregon rules only)
- (l) Partnerships
- (m) Property
- (n) Sales (UCC Article 2)
- (o) Secured Transactions (UCC Articles 1 & 9)
- (p) Torts
- (q) Trusts and Estates
- (r) Wills

10. What types of questions should I expect?

The essay portion of the examination is made up of 6 essay questions consisting of a combination of MEE's and locally drafted questions. This is a three hour examination consisting of six essay questions in combination of MEE's and locally drafted essays. This gives an applicant an average of thirty minutes for each essay question.

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
- (7) 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).

11. 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 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.**

11. 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.

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.

Grading the Examination

12. *Anonymity*

Throughout the grading process, anonymity of the applicants is maintained. All answers are identified by applicant ID numbers. These numbers are matched with the named applicants only after all grading is final.

13. *How are the MPT's graded?*

Two MPT questions are administered as part of the Oregon bar examination. All answers to the MPT's are reviewed at the grading session. Each 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.

14. *How are the essays graded?*

The essay answers are graded by the examiners at a grading session. The grading session is timed to start just prior to the anticipated return of MBE scores.

At the conclusion of the grading sessions, the Board has compiled a list by applicant number 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. Examiners also review the critiques prepared by the faculties of the three Oregon law schools, who review the locally drafted questions, and make any appropriate changes in their answers prior to commencing grading.

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 25%
The MPT portion weighting is 25%

A less than passing score on one portion may be compensated for by a higher score on another or other portion(s). The three components of the exam are standardized to the same scale.

15. *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

16. *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.

17. 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. The Board will be notified if you have your score sent to Oregon.

The passing score on the MPRE for Oregon is a scaled 85.

MPRE scores are directly reported to the applicant.

MBE/MPT/Essay Exam:

The Board of Bar Examiners 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;
- The list on the Supreme Court's website at www.ojd.state.us.or;
- The list on the OSB's website at www.osbar.org;
- At the Board of Bar Examiners' offices in Portland.

18. Can I find out how I did on the examination?

Successful Applicants:

Successful applicants cannot review their MBE/MPT/essay examinations or find out their scores on the examination. Again, MPRE scores are

directly reported to the applicant.

Unsuccessful Applicants:

Following the release of the results, if you are **unsuccessful**, you will receive a mailing which includes:

- Your total grade on the examination;
- The grade on the MBE;
- The grade on the MPT portion;
- The grade on the essay portion of the examination;
- Information on how you may inspect and/or obtain other information and copies of your essay and MPT answers.

Please note these materials are time-sensitive.

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

No.

Confidentiality

20. 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.

Character and Fitness

21. 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. ORS 9.220; RFA 6.05.

22. 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. However, the Board is obligated 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.

Again, your records are kept confidential.

23. 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

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

Yes, applicants with disabilities may seek special accommodations.

Applicants can obtain the forms to request special accommodations from our Forms Library on our website at <http://www.osbar.org/admissions>. These forms further explain the information required from applicants.

Learn more about "The Americans with Disabilities Act Amendments Act of 2008" (ADAAA) at http://www.eeoc.gov/laws/statutes/adaaa_info.cfm

Bar Admission

25. If I am in arrears on payment of child support - will that have any effect on my admission?

Applicants are advised to be aware of the provisions of ORS 25.750 as Oregon State Bar membership may be affected by this law.

Additional Information

26. Whom do I contact if I have other questions?

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

**Oregon State Board of Bar Examiners
Oregon State Bar
P.O. Box 231935
Tigard, OR 97281-1935**

(503) 620-0222 - Oregon State Bar,
Ext. 364
In-State Toll-Free Line:
1-800-452-8260
Ext. 364

Fax #'s: (503) 598-6990 (Main)
(503) 598-6984

E-Mail: admissions@osbar.org

Hours: 8:00 a.m. to 4:30 p.m. *
(Monday through Friday)

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

Web Page:
www.osbar.org/admissions