March 28 2012

Ed Smith CLERK OF THE SUPREME COURT STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. AF 11-0244

IN RE PETITION TO ADOPT UNIFORM BAR EXAMINATION

BOARD OF BAR EXAMINERS SUBMISSION OF PLAN FOR IMPLEMENTATION OF THE UBE INCLUDING THE ON-LINE TESTING COMPONENT

INTRODUCTION

On November 29, 2011, the Court conditionally approved the petitions of the Board of Bar Examiners¹ (to adopt the UBE, raise the passing score to its original level and adopt an on-line educational and testing component devoted to Montana law) and the Commission on Character and Fitness (to adopt the National Conference of Bar Examiners [NCBE] on-line application and character investigation). The Court listed six areas of information it desired prior to final action on the petitions.

The Board wrote to the State Bar to obtain certain of the information requested by the Court. (Letter to Chris Manos attached as Exhibit A.) All

¹ In this submission, the Board of Bar Examiners is referred to as BBE or "the Board."

information the Board requested of the State Bar was provided and has been submitted by the State Bar in a separate response to the November 29 Order. We acknowledge the efforts of Mary Ann Murray, Marie Connolly and Chris Manos from the State Bar of Montana in collecting and providing the information. In addition, we acknowledge the significant and substantial efforts of Vanessa Sanddal, the former administrator for both the Board of Bar Examiners and the Commission on Character and Fitness.²

The Board now submits its response to the Court's Order. We address, in turn, each of the six questions raised by the Court, either directly or by reference to information provided by the State Bar of Montana.

1. A step-by-step time line demonstrating the process followed by applicants for admission to the Bar – from application for the examination and the character and fitness investigation through admission to the Bar.

The State Bar response includes an "Applicant Monthly Calendar and Costs" which captures the steps for each applicant, when each step must be completed, and the fees to be paid at each step. These are steps handled almost entirely by the Administrator unless specific questions arise that require consultation with or reference to either the Board of Bar Examiners or the Commission on Character and Fitness.

² Vanessa's duties are now being ably handled by Marie Connolly. The Board takes this opportunity to express its gratitude for Vanessa's work on this issue as well as her distinguished service to the Board and the Bar.

2. All costs an applicant will pay for each step of the process and at what point each cost will be assessed.

The chart referred to in the section immediately above responds to this question as well. At present, the Administrator of the Board and of Character and Fitness, now Marie Connolly, handles the process as well as collects fees. A recent innovation is to use an on-line payment of fees through use of the State Bar website. Marie Connolly advises that the system works extremely well, is a time-saver for the Administrator and works well for applicants. The link on the State Bar website regarding payment of fees (as well as other information regarding admissions) is: <u>http://montanabar.org/displaycommon.cfm?an=3</u>.

3. A more definitive proposal for the educational/on-line testing component for Montana law.

The Board's response to this request is in part explanation and in part a report prepared principally by Vanessa Sanddal. The report regarding the on-line test – titled "The Montana Bar Exam Online Test" is attached as Exhibit B. As was noted in a prior submission, the Board expects to use the software and services of a company known as ProProfs, based in Marina del Rey, California. The ProProfs web address is <u>http://www.proprofs.com/</u>. At a cost of less than a thousand dollars a year, the Board will be able to create an ever-changing on-line test designed to test applicants' knowledge of the unusual and important aspects of Montana law of which the Board believes an applicant must demonstrate

awareness and knowledge prior to admission to the Montana Bar. The process is thoroughly explained in Exhibit B.

The Board believes the UBE is a valid and reliable testing tool, consisting of three main components – the Multistate Bar Examination (MBE), the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT). The UBE has now been adopted in 8 states (Washington, Idaho, North Dakota, Nebraska, Colorado, Arizona, Missouri and Alabama). Serious consideration is being given to adoption in New Mexico and Utah. The UBE has been particularly popular in Western states. This is valuable for graduates of the UM School of Law as a UBE score from Montana may be transferred to another UBE state as part of the licensing process there, avoiding the necessity of another bar exam in another state.³

The Board, however, also believes that familiarity with Montana law is of substantial importance. At present, the Board drafts four "Montana law" questions focused on broad areas of Montana law. We believe that the on-line testing component will expose applicants to a broader range of Montana law and will at least test that they have read and absorbed the materials. The process, more thoroughly explained in Exhibit B, is as follows:

³ Of course, a passing UBE score in Montana might not be a passing score in another state. For example, the Idaho passing score is 140 - five points higher than the proposed Montana passing score. An applicant must satisfy the requirements in the state to which he or she is applying in order to gain admission.

- An examinee, in addition to taking the UBE testing components, must prior to admission – take and obtain a passing grade on an on-line multiple choice test addressed to specifics of Montana law and the Montana court system.
- The Board will develop the examination by creating a test bank of 50 or more questions, of which 35 will be randomly chosen by the ProProfs software to administer to each applicant. A passing examinee obtains a certificate that is printed and submitted to the Bar Admissions Administrator. That certificate, submitted to the Administrator, is a prerequisite to admission to the Bar.
- A failing examinee may take the exam again at any time, even immediately after failing to pass. However, the test will not be the same. Some of the questions will be the same, but the ProProfs software generates a new test consisting of 35 questions from the bank of questions.
- Because the test is, in essence, "open book" and because unlimited opportunities to take and pass the exam are offered, the passing score will be 30 out of 35.
- Test questions are drawn from materials prepared by members of the Board and those persons who can be enticed to volunteer to prepare informational outlines of subject areas.

- The subject areas for the informational outlines will be developed through a survey of practitioners, judges and the University of Montana School of Law. The survey is expected to generate not only those aspects of Montana law that should be known to new lawyers but other areas involving court structure and administration all designed to increase the knowledge base of each applicant and better prepare them for the practice of law.
- The informational outlines will be posted on the Montana Courts website.
 The Board has worked closely with Judy Meadows and IT staff at the State
 Law Library on this project. There are no additional costs for upkeep nor
 are there costs for hosting of the exam on the Montana Courts website.
- Development of the review outlines from which the tests will be drawn is a lengthy process. We believe that drafters of the outlines should be paid a modest sum for their work, just as drafters of the Montana law questions (the MTEE or "Montana Essay Examination") are paid a modest sum for preparing those questions. This development process is one of the reasons the Board is <u>not</u> proposing a change in the present fee structure.
- The outlines will be reviewed on an annual basis. Modification of the outlines to maintain currency in light of new statutes and case law is easily carried out through the Bar Administrator and the IT staff at the State Law Library and without cost.

The only item of significance to note regarding the on-line testing program is that it is, indeed, a significant undertaking for the Board. The present members of the Board are committed to the process. The Board will need to maintain an ongoing commitment to the process as new members are appointed.

We acknowledge the State Bar's note that "any costs associated with hosting the software or testing program on either the Court's website or the State Bar's website would have to be funded." (Response of State Bar of Montana, March 12, 2012.) To be clear, the Board does not intend to use the State Bar's website to host the outlines or the on-line exam. The Board will use the Montana Court's website and will work directly with the director and staff of the State Law Library. As previously noted, there are no hosting costs for use of the Court's website.

4. The effects on State Bar staffing and/or the State Bar's budget resulting from implementation of the petitions.

The State Bar has responded to this request and has attached the supporting data. The Board has worked with the State Bar in the development of this information and has studied it in some detail. It appears as if moving to the UBE itself is essentially revenue neutral so long as existing applicant fees are not reduced. Likewise, it appears that transfer of investigation responsibilities to the NCBE also will be revenue neutral for the State Bar if present fees are not reduced and if the Court also approves the common-sense proposal to assess annual fees on lawyers admitted *pro hac vice*.

As to staffing changes and the effects on State Bar staffing, it appears as if shifting responsibilities among existing staff will cover the needs of the UBE, on-line testing component and the work of the Commission on Character and Fitness. In some areas, there will be less work and in other areas there will be more so that the effects will net out. The hiring of Marie Connolly to succeed Vanessa Sanddal will help a great deal given Marie's existing level of knowledge and skill.

5. Effective date for implementation of the revisions including the date on which applicants will enter the new system.

The NCBE is prepared to take over the C&F investigation at any time. According to Annie Goodwin, Chair of the Commission on Character and Fitness, the NCBE can begin conducting investigations in connection with the February 2013 administration of the bar examination, which means that the deadline for applications, including submission necessary for the C&F investigation will be October 1, 2012.

As to the implementation of the UBE, with the on-line component and the passing score of 270 (135 as presently measured), the Board will need time to complete the survey of practitioners, bench and law school and then develop the on-line review materials. Preparation of the test itself will not be difficult or time-consuming. Nevertheless, the Board respectfully requests that the first

administration of the UBE be July 2013. The deadline for applications to take the July 2013 bar exam will be March 1, 2013.

One additional matter will be necessary, that being development, consideration and adoption of revisions to existing rules of the Board and for admission to the Bar. If applicants for the July 2013 exam have a deadline of March 1, 2013, proposed rules revisions must be presented to the Court at least six months in advance of that deadline in order for the Court to have time to consider the proposed amended rules as well as time to have the rules printed and be available on-line. The Board believes rules amendments can be accomplished in a timely fashion.

6. Information regarding the number and failure rate of minority students and any assessment of how this failure rate can be ameliorated.

The Board maintains no statistics regarding minority applicants. Once an application is submitted, the Board is entirely blind to demographic data regarding the applicants and remains that way throughout the entire process. Ethnic data is not collected anywhere in the application or testing process. Accordingly, the Board cannot provide any information regarding the number and failure rate of minority students.

Attached as Exhibit C are two letters – the letter from Board Administrator Vanessa Sanddal to Erica Moeser, President of the NCBE, and Ms. Moeser's

response.⁴ As can be seen from the letter to NCBE, the Board sought assistance from the NCBE to find and analyze any statistics that might reflect the number of Native American or other minority test-takers in Montana and their performance on the Montana Bar Exam. In addition, the Board sought the views of the NCBE regarding a change in the passing score and what conclusions, generally, could be drawn regarding the effects on minority performance.

The response from the NCBE is illuminating. In the first instance, the NCBE concluded that the numbers regarding Native American test-takers is too small of a sample size from which to draw meaningful conclusions. Second, the NCBE observed that it could not draw conclusions from minority data nation-wide it believed could be reasonably applied to the minority candidates of interest in Montana. Thus, the "data" regarding actual minority performance on the bar exam in Montana simply does not exist or, to the extent limited data exists, cannot be relied upon for valid conclusions. While there are stories – some more apocryphal than others – there is simply no solid data responsive to the Court's inquiry.

Notwithstanding the lack of reliable data, the NCBE offers certain observations the Board believes are important to consider. In particular, the NCBE directly addressed the Court's request for information about how "the failure rate

⁴ The letter from the Board to the NCBE attached a list of names of individuals taking the Montana Bar Exam for the past several years. That list has been deleted from this submission.

of minority students . . . can be ameliorated." The NCBE's response, with which

the Board agrees, is worth quoting:

Frankly, the role of a licensing authority is not to ameliorate; rather, it is to accurately determine which applicants have demonstrated that they have met the standard to be granted a license to practice law. This requires the use of high quality test instruments that are graded consistently and fairly. We believe that the NCBE tests comprising the UBE (tests that Montana already uses to evaluate candidates) fulfill the objective of high quality instruments, and we trust that the Montana Board is committed to consistent and fair grading practices. The proper – and logical – place for any amelioration is within each law school. Since the LSAT and law school grade-point averages are predictors of success on the bar examination, and since the LSAT score and rank in class are known to the law school, productive work can be done in a law school setting over the three years that the school has the opportunity to work with students who need a little extra help in acquiring the skills and knowledge that will enable them to move into the profession with early success on the licensing test.

NCBE letter, Exh. C, p. 2, emphasis added.

It is not the Board's purpose, in any way, to criticize law schools – whether the University of Montana or any of the dozens of other law schools whose graduates take the Montana bar exam. Rather, if the purpose of a bar examination is to evaluate candidates to see if they meet the best measure of minimum competence that can applied, the reality is that the Board takes the candidates as they are on arrival. If there is a "problem" with candidates not being sufficiently prepared for the bar examination, that is a problem the Board cannot fix. Any steps to more thoroughly prepare candidates lies within the educational process at the law school level. In a 2004 "Analysis of July 2004 Texas Bar Exam Results by Gender and Racial/Ethnic Group" study performed by Stephen P. Klein and Roger Bolus, Ph.D., the authors stated:

There are also large differences in passing rates among schools. However, the large differences in passing rates among racial/ethnic groups are not related to which law schools they attend because almost all the schools do about as well on the bar exam as would be expected on the basis of the mean LSAT scores of their graduates. That is what is driving the differences in bar scores among groups.

Going further, the authors of that analysis stated that the "total bar exam scores essentially mirror the differences in these groups' admissions credentials and law school grades. Thus, the bar exam does not appear to widen or narrow the gap in scores that was present between the groups before they sat for the exam."⁵

Stated another way, it is not the job of the Board of Bar Examiners to ameliorate any given group's performance on the bar exam. Rather, it is the job of the Board to fairly evaluate those candidates who have graduated from ABAaccredited law schools in a consistent and fair fashion using up-to-date assessment tools such as the UBE and to apply a standard that is at least within the normal range for other states. The proposal to adopt the UBE, use an on-line testing component to increase awareness of Montana law, and to return the passing score to its original 135 level – we respectfully suggest – does just that.

⁵ A copy of the summary pages of the cited article is attached as Exhibit D.

CONCLUSION

The Board appreciates the careful and thorough attention the Court has devoted to its proposals and is hopeful that this submission addresses the Court's remaining concerns. With that, the Board respectfully requests an Order approving the petitions as more fully detailed in this supplemental submission.

DATED this 27th day of March, 2012.

MONTANA BOARD OF BAR EXAMINERS Randy J. Cox Jacqueline T. Lenmark Gary W. Bjelland Loren "Larry" J. O'Toole, II Michael B. Anderson Debra D. Parker Michael P. Sand

By

Randy J. Cox, Chair P. O. Box 9199 Missoula, MT 59807 rcox@boonekarlberg.com Phone: (406) 543-6646

CERTIFICATE OF SERVICE

This is to certify that the foregoing *Board of Bar Examiners Submission of Plan for Implementation of the UBE Including the On-Line Testing Component* was served by U.S. Mail upon the following this 27th day of March, 2012:

Chris Manos Executive Director State Bar of Montana P. O. Box 577 Helena, MT 59624

Dean Irma Russell School of Law The University of Montana Missoula, MT 59812

Members - Board of Bar Examiners

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MONTANA BOARD OF BAR EXAMINERS

By Randy J. Cox, Chair

BOONE KARLBERGRC.

December 20, 2011

Via Email to cmanos@montanabar.org

Mr. Chris Manos Executive Director State Bar of Montana P.O. Box 577 Helena, MT 59624

W.T. BOONE (1910-1984) KARL R. KARLBERG (1923-1988) JAMES J. BENN (1944-1992) THOMAS H. BOONE WILLIAM L. CROWLEY RANDY J. COX ROBERT J. SULLIVAN DEAN A. STENSLAND CYNTHIA K. THIEL ROSS D. TILLMAN JAMES A. BOWDITCH MATTHEW B. HAYHURST SCOTT M. STEARNS NATASHA PRINZING JONES THOMAS J. LEONARD JULIE R. SIRRS TRACEY NEIGHBOR JOHNSON

Re: UBE Implementation Plan Requested By Montana Supreme Court

Dear Chris:

On November 29, 2011, the Montana Supreme Court conditionally approved adoption of the UBE but also directed the Board to provide information as part of an implementation plan. Some of that information must, of necessity, be provided by the State Bar. The purpose of this letter is to specify the information that the Board needs to be able to draft and submit the implementation plan as directed by the Court. I appreciate the efforts of Vanessa and Marie as well as other members of the State Bar staff that will be necessary to develop and provide the information.

I ask that the following information be provided. I stand ready to discuss format or to answer any specific questions you may have about the Court's requests. In each instance below, I list exactly what the Court has requested for the plan and follow each by a short discussion of my initial take on what we can or should provide.

1. "Provide a step-by-step timeline explaining the process an applicant will follow, from applying for the examination and the character investigation through admission to the Bar, under the proposed revisions."

Comment: This may be one of the more complex items the Court has requested as it crosses the borders between C&F and the bar exam. It seems to me that the Court simply wants a complete understanding of the process – starting with the application, the investigation that will be conducted by the NCBE, the follow-up investigation and work performed by C&F, the bar exam process including administration, grading and notification of results, and ending with swearing in. I would like to see if a flow chart can be developed from existing information and modified to take into account the new NCBE investigation and where it falls in the flow of things as well as a

EXHIBIT

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201 West Main St., Suite 300 [P.O. Box 9199 [Missoula, M

Mr. Chris Manos December 20, 2011 Page 2

time period for taking and completion of the on-line test. As to the time period for the on-line component, I think we should allow applicants to take that test starting three weeks prior to commencement of the bar exam and allow them to continue to take the on-line exam anytime up to the end of August. Those dates are subject to some adjustment as I need to consult with Vanessa about the timing of handling exam results and making certain that the Administrator will have sufficient time to confirm that each successful UBE applicant has also submitted proof of having passed the on-line exam.

2. "List all costs an applicant will pay for each step of the process and at what point each cost will be assessed."

Comment: The starting point for this will be to list all present costs as well as the additional costs of the NCBE investigation done for C&F. All of the costs should be able to be plugged into the flow chart developed in response to issue number 1 above. Once we have that and you have completed your analysis of the cost of administration of the process to the State Bar, we can consult and arrive at a decision as to whether it will be necessary to increase, decrease or leave fees the same. Vanessa has a good handle on the costs of the exam from specific costs we pay the NCBE for the exam components to the costs of administering and grading the tests. The Board of Bar Examiners will leave calculation of staffing costs to you and Mary Ann Murray and ask only that you provide that information to the Board.

3. "Provide an assessment of the impacts, if any, upon Bar staffing and/or the Bar's budget which will result from implementation of the petitions [for NCBE investigation and adoption of the UBE with the on-line component]."

Comment: This issue dovetails with the discussion under number 2 above. Because the Board of Bar Examiners does not have detailed information regarding staffing and the State Bar budget, we cannot provide the most accurate response on this particular issue so must leave it to you. We can and will, with Vanessa's guidance and recommendations, estimate the effect of adopting and administering the UBE on the Administrator's time. While the length of the bar exam will be reduced by a total of two days, and while there are four Montana Essay questions that will not need to be drafted, that does little to change the amount of time the Administrator has to devote to the bar exam process. My initial impression is that adopting the UBE will free up essentially no significant Administrator time, particularly because some of the work the Administrator will no longer need to do will be replaced by additional duties relating to the on-line component. I will provide a more detailed answer after I have had the chance to work with Vanessa on that specific issue.

Mr. Chris Manos December 20, 2011 Page 3

> 4. "Using any available data from the NCBE and the Montana Board of Bar Examiners, provide information regarding the number and failure rate of minority students who take the MBE, the MPT and the UBE, and any assessments of how this failure rate can be ameliorated."

Comment: Vanessa and I have already commenced work on this particular issue and have been in contact with the NCBE. We expect to be able to provide this information without any additional involvement from you or others at the State Bar, save perhaps Marie when she steps into Vanessa's position. I have advised Vanessa that I anticipate an additional 15 hours of work that will be necessary on her part to finish this aspect of the Court's request. Unfortunately, none of this data is immediately available from BBE records because we do not track any ethnic data for bar exam applicants. There may be some fairly intricate data recovery and matching in order to be able to provide the Court any meaningful data along the lines of what it requests, but we intend to work hard to do our best on that topic. In sum, then, I do not anticipate needing to obtain your assistance for this particular item but want you to know that I do need to rely upon Vanessa and that I anticipate it taking some 15 additional hours under the contract for her to complete her work on this issue alone.

Thank you for your assistance. The Court has given us a substantial task, and we need your help to respond as the Court clearly expects.

Sincerety Randy J. Cox

RJC/ks

c via email: Vanessa Sanddal Board of Bar Examiners Shane Vannatta Annie Goodwin

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THE MONTANA BAR EXAM ONLINE TEST

A SUPPLEMENT TO THE BOARD OF BAR EXAMINERS PETITION TO ADOPT THE UNIFORM BAR EXAM

> Montana Board of Bar Examiners Randy J. Cox, Chair Vanessa Sanddal P.O. Box 9199 Missoula, MT 59807 (406) 543-6646



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OVERVIEW OF PROPROFS ONLINE TESTING SERVICE

ProProfs is an online service used by corporations and schools to test and quiz students and employees. ProProfs is based in Marina Del Rey, California and has helped with education, training and assessment exams for Yale and Harvard as well as Sony, Dell and Hewlett-Packard.

ProProfs will act as the online service test provider for the online Montana test component, and will also provide help through its own IT staff as part of its service. The IT support will be important during start-up. With ProProfs, there will be no need to access IT staff from the State Law Library (the Court's website) or the State Bar of Montana. An annual service agreement provides for online services such as test set up, test security, test scoring and test certification, all of which can easily be handled by the Bar Admissions Administrator.

ANNUAL COST TO USE PROPROFS SERVICE

Annual cost for use of ProProfs to administer all online exams and provide the registration and certificate information necessary for each applicant is \$840 per year. The ProProfs contract will include support service and IT assistance. The staffing cost for the Bar Administrator's time to submit the test questions and verify the applicant's certification is assumed to be the same cost for the Bar Admissions Administrator to assist the Board in creating the hard copy Montana Essay Exam, manage the scoring process and administer the exam at each bar examination.

COST TO THE APPLICANT FOR THE ONLINE TEST

There is no extra cost to the applicant to access the online test other than the regular cost associated with bar examination fees. The Board does not propose increasing or decreasing fees from their existing levels in order to move through the transition period and to cover the modest cost of using ProProfs.

SERVICES PROVIDED BY PROPROFS

ENTERPRISE CONTRACT - \$840 PER YEAR

- Unlimited tests, questions, & test takers
- Track who is taking and has taken each test
- Test statistics and analytics of test takers
- NO advertisements
- Branding and Certificates
- Private user accounts (UNLIMITED)
- Video upload capability
- Test security and PHONE and online support

HOW THE ONLINE TEST WILL WORK

- ✓ The Board of Bar Examiners will write a pool of Montana online questions and answers drawn from the review materials prepared through the efforts of the Board and posted on the Court's website.
- ✓ The Bar Admissions Administrator will submit the pool of questions online to ProProfs, through an account accessible only by the Board and the Bar Admissions Administrator.
- ✓ ProProfs will create a test (to the Board's specifications) and email the Bar Admissions Administrator a link to access the test.
- ✓ The Bar Admissions Administrator will place the link to the test on a website of choice or email the link individually to each "certified" Applicant.
- ✓ The online test will be set to shuffle the questions at random for each applicant. No applicant will take the exact same test and a failing examinee can immediately go back and take the test again, but that test form will not be the same as the one they just completed.
- ✓ The applicant will sign the same oath they orally take before each bar exam swearing to not seek assistance or give assistance to any other applicant.

- ✓ The Bar Admissions Administrator can access the account at any time throughout the testing process to view which applicants took the test, how many times, what they scored and what test questions they answered correctly or incorrectly. A test item that is faring poorly could be removed from the pool if appropriate to do so.
- ✓ Once an applicant has taken the test, ProProfs will provide the applicant with immediate scoring by notifying the applicant that they
- ✓ "PASSED" or "FAILED" so the applicant can immediately retake the test if they failed (which will appear with a new set of randomly shuffled questions).
- ✓ Once the applicant is successful in passing the test, a certificate will be made available for the applicant to print and keep for the applicant's files and to submit to the Bar Admissions Administrator.
- ✓ When the Bar Admissions Administrator receives the certificate, she will verify the applicant's status online by accessing the private account, thus eliminating the possibility that someone can counterfeit a certificate.
- ✓ ProProfs can provide a private link and password for each individual applicant to access the online test, which can be emailed out individually by the Bar Admissions Administrator to each applicant. That is a detail that remains to be examined.

SECURITY DURING THE PROCESS

ProProfs never brands their product so the applicant does not know what company is creating and producing the tests. ProProfs has firewalls and high level security in place so there is no outside access to the test questions and answers to anyone without authorized access. Only the Bar Admissions Administrator and the Board will have access. The public cannot "Google" the online test.

WHILE THE BOARD WILL USE **MULTIPLE CHOICE TESTS, THE TEST FORMS CAN TAKE OTHER** FORMS IF THE DECISION IS **MADE TO CHANGE THE** FORMAT

Multiple Choice

1.		You just completed a new feature. Which browser would you test on before making it live on the website?					
	0	IE6, IE7, IE0					
	0	Firefox					
	ð	Chrome					
	0	All of the above					
	0	Whatever browser I have on my local machine.					

Essay

Multiple Answers

2.	You created a web form to accept age of the user. What are the different validation checks you would perform before storing data entered in database?					
	Type here:					

Fill In The Blanks

Taekwondo Quiz Taekwondo is a sport originated in korea	H1N1 Pret Test This pretest is meant to test your knowlege of the H1N1 before the presentation in ord to compare it to the post test that will be given after the presentation				
3. Tae means?	4. How is H1N1 spread?				
Submit my answer Tree Remaining: 09 nm 44 e	touching droplet with hand and then touching mucus membrane (eyes, nose, and then touching mucus membrane).				

THE BAR ADMISSIONS ADMINISTRATOR CAN TRACK WHO IS TAKING OR HAS TAKEN THE TEST AND TRACK RESULTS ONLINE

E	Date	User Name	IP Address	City & State	Country	Score (%)	Time Taken	Certificate	Score Report
	Nov 13, 2009 12:57 PM	Ek	24.56.149.12	Stacy - Minnesota	United States	50	1 mins 3 secs	view	view
	Nov 13, 2009 12:57 PM	Guest	122.160.80.109	Gurgaon - Haryana	India	25	2 mins 51 secs	view	view
	Nov 13, 2009 12:56 PM	amy	65.29.167.43	Goodyear - Arizona	Puerto Rico	50	23 secs	view	view
	Nov 13, 2009 12:56 PM	Nicki	24.56.149.12	Stacy - Minnesota	United States	25	2 mins	view	view
	Nov 13, 2009 12:55 PM	Guest	124 190 155 178	Sofia - Grad Sofiya	Bulgaria	50	1 mins 4 secs	view	view
	Nov 13, 2009 12:55 PM	Nicki	24.56.149.12	Stacy - Minnesota	United States	50	59 secs	view	view
	Nov 13, 2009 12:55 PM	Toby Mac	98.132.223.2	Stacy - Minnesota	United States	75	1 mins 53 secs	view	view
	Nov 13, 2009 12:53 PM	zach	24.56.149.12	Stacy - Minnesota	United States	75	37 secs	view	view
0	Nov 13, 2009 12:51 PM	zach	24.56.149.12	Stacy - Minnesota	United States	75	55 secs	VIDW	view
	Nov 8, 2009 10:58 PM	gauravsingh	122.160.80.109	Gurgaon - Haryana	india	75	1 mins 54 secs	view	-
Delete Selected » * Recent 100 at			Recent 100 attempts.			« Prev	ious 1 2	3 4 1	Next

PROPROFS WILL PROVIDE THE BOARD WITH STATISTICS OF PASSAGE RATES AND TRENDS

See Difficulty Level Of Each Question



Users

See Aggregate Results Of Quiz Takers





Score

A CUSTOMIZED CERTIFICATE WILL BE DESIGNED BY THE BOARD OF BAR EXAMINERS



The applicant can print his or her certificate to submit to the applicant file. Actual achievement will be verified by the Bar Admissions Administrator. Alternatively, the Administrator will receive notification from ProProfs and that an applicant has passed and that portion of the applicant's application process will then be complete.



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STATE OF MONTANA BOARD OF BAR EXAMINERS

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Erica Moser National Conference of Bar Examiners 302 South Bedford Street Madison, Wisconsin 53703-3622

Dear Erica:

December 13, 2011

At the request of Randy J. Cox, Chair of the Montana Board of Bar Examiners, I am seeking the assistance of the NCBE. As you are aware, the Board has submitted a Petition to the Montana Supreme Court to adopt the UBE and to raise the passing score to a combined score of 135 (270 on the new scale if the UBE is adopted.) After holding two public meetings, the Court has conditionally approved adoption of the UBE but has some specific questions, the answers to which will likely affect the Court's final decision.

One of the issues that has been raised, and as to which we seek the assistance of the NCBE, is to provide "information regarding the number and failure rate of minority students who take the MBE, the MPT and the UBE and any assessments of how this failure rate can be ameliorated." Stated another way, the Court is seeking information regarding the number of minority students (principally Native American) who have taken the Montana Bar exam which, of course, includes the MBE and MPT. It is worth noting that no minority students have taken the "UBE" because Montana has not yet administered the UBE. Because we administer each of the components of the MBE, however, analysis of that performance data is responsive to the Court's request.

The Board of Bar Examiners does not keep or even have direct access to data regarding the ethnic background or origin of its examinees. Thus, given our own data, there is no ability for the Board to answer the Court's question. It is our hope that through your sources you will be able to conduct a sufficient analysis of the individuals who have sat for the Montana Bar Examination in each of the administrations from 2008 through 2011 and be able to provide minority performance statistics. To that end, we enclose herewith a list of the names of all individuals who have sat for the Montana Bar in each of the last eight administrations of the exam.

We therefore request that, to the extent possible, the NCBE obtain sufficient information regarding ethnicity of each of the passing and failing candidates to be able to answer the questions raised by the Montana Supreme Court. Specifically, we would like to be able to provide a listing of statistics for each exam



administration that includes 1) the total numbers of minority candidates taking the examination; 2) the total number of minority candidates passing and failing the examination; and 3) the performance of minority candidates on the MBE and MPT as specifically requested by the Court. If it provides a more complete picture to give statistics as to each of the four present components of the Montana Bar Examination then please provide those statistics as well.

As to each of the passing and failing minority candidates, would you please provide their total combined score as well as the component scaled scores. That will allow us to compare the scores to the passing score of 130 as well as the proposed passing score of 135, although we are well aware that performance on the exam is affected by the passing score and that it is statistically unsound and improper to assume that anyone with a passing score of 130 to 134 would necessarily have failed the exam if they had taken it knowing the passing score was 135 since passing score is likely to have an effect on level of preparation.

While we are providing names of candidates to you, we ask that you specifically <u>not</u> provide the information to us using names. Please find another way of providing the information so that there is no risk of disclosure of names of passing or failing examinees.

If you have questions, please feel free to contact me or Mr. Cox. We greatly appreciate being able to turn to the NCBE for the requested information. The Court has granted us 120 days from November 29 to provide answers to its questions, including the question we have set forth above.

Sincerely,

Vanessa Sanddal Bar Admissions Administrator Montana Board of Bar Examiners State Bar of Montana

Cc: Board

National Conference of Bar Examiners

302 South Bedford Street Madison, Wisconsin 53703-3622 Website: www.ncbex.org Phone: 608-280-8550 Fax: 608-280-8552 TDD: 608-661-1275



Randy J. Cox Boone Karlberg PC 300 Central Square P.O. Box 9199 Missoula, MT 59807

Dear Randy:

As you requested, we at the National Conference of Bar Examiners have explored the questions you posed in your letter of December 16 with regard to raising the passing score on the Montana Bar Examination from 130 to 135 as expressed on the current Multistate Bar Examination scale. I regret that the limited demographic data available is insufficient to be of use on this issue.

For several years NCBE has collected demographic information about those Multistate Professional Responsibility Examination test-takers who grant permission for NCBE to obtain data about them from the Law School Admission Council, which administers the LSAT, and used this data for research purposes. We know as a general matter nationally that the average scores of minority candidate in terms of performance on the LSAT, law school grade-point average, and the MBE fall below those of majority candidates. We do not have sufficient data specific to Montana, and we cannot assume that what we know from the national data applies to Montana. Further, the very low number of individuals who test in Montana (and particularly the paucity of information concerning Native American test-takers in Montana or nationally) does not provide a basis on which we can render a meaningful report. (Note that as reported in the 2012 edition of the ABA-LSAC Official Guide to Approved Law Schools, only three of the 76 graduates from the University of Montana were designated as "American Indian/Alaska Native.") Finally, the number of test-takers is so small that even a slight change in the number of candidates passing or failing could have a significant impact.

I can offer a few observations that may be helpful. First, in the experience of the testing staff, an increase in the passing standard does not ordain an increase in the failure rate. The staff has observed that it is common for candidate performance to be elevated to clear the higher hurdle; that is, it is not accurate to generalize about future performance by applying a proposed standard to past performance data.



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Further, there is no reason to surmise that minority performance would differ from that of all testtakers; that is, performance improvement would be expected to occur across all groups.

This takes me to the matter of the Court's request for information about how "the failure rate of minority students...can be ameliorated." Frankly, the role of a licensing authority is not to ameliorate; rather, it is to accurately determine which applicants have demonstrated that they have met the standard to be granted a license to practice law. This requires the use of high quality test instruments that are graded consistently and fairly. We believe that the NCBE tests comprising the UBE (tests that Montana already uses to evaluate candidates) fulfill the objective of high quality instruments, and we trust that the Montana Board is committed to consistent and fair grading practices. The proper – and logical – place for any amelioration is within each law school. Since the LSAT and law school grade-point averages are predictors of success on the bar examination, and since the LSAT score and rank in class are known to the law school, productive work can be done in a law school setting over the three years that the school has the opportunity to work with students who need a little extra help in acquiring the skills and knowledge that will enable them to move into the profession with early success on the licensing test.

Again, I regret that we are unable to provide you with the information you requested. I assure you it was not for lack of trying.

Best wishes as you move forward with your response to the Court.

Cordially yours,

ha:

Erica Moeser President

em/dk

Texas Board of Law Examiners

ANALYSIS OF JULY 2004 TEXAS BAR EXAM RESULTS BY GENDER AND RACIAL/ETHNIC GROUP

Stephen P. Klein, Ph.D. and Roger Bolus, Ph.D. GANSK & Associates

(This analysis was updated in June 2006. Click here for details.)

December 15, 2004

Conclusions and Recommendations

Men score slightly higher than women on the MBE while the reverse is true on the rest of the exam so that overall, they have nearly identical total scores and passing rates on the Texas bar examination. Men and women candidates in Texas also have comparable admissions credentials.

Black and Hispanic candidates are not spread evenly across the nine Texas law schools. They are much more likely to attend some schools than others. There also are large differences in passing rates among schools. However, the large differences in passing rates among racial/ethnic groups are not related to which law schools they attend because almost all the schools do about as well on the bar exam as would be expected on the basis of the mean LSAT scores of their graduates. That is what is driving the differences in bar scores among groups.

The differences in scores among racial/ethnic groups were quite similar across the different sections of the exam. With the possible exception of Asians who did especially well on the MPT, no section stood out as being unusually easy or difficult for a particular racial/ethnic group. In addition, total bar exam scores essentially mirror the differences in these groups' admissions credentials and law school grades. Thus, the bar exam does not appear to widen or narrow the gap in scores that was present between the groups before they sat for the exam.

We also found that a significant portion of the differences in bar exam scores between applicants is not attributable to differences in their admissions credentials, law school grades, gender, or racial/ethnic group. A small but statistically significant piece of this remaining variance is related to whether the candidate worked for more than 20 hours during the five weeks leading up to the exam. And, Black and Hispanic applicants were about 1.5 times more likely to be among those who worked during this period than were other applicants. A few other preparation factors also were related to scores, such as participation in lecture and discussion sessions presented by a commercial bar review course.

Given the findings above, we see no reason to make any changes in the nature of the



exam itself. It appears to be well balanced and fair to all takers. Moreover, the results on it correspond closely to the law schools' own evaluations of their graduates' abilities (as reflected by the generally high correlations between law school grades and bar exam scores at each school). Nevertheless, the findings about preparation factors suggest that something might be done in this area to improve minority bar passage rates. This might involve providing funding (and perhaps scholarships to bar review courses) to students who did well in law school but may not have all the financial resources they need to prepare for the exam in the same way as their classmates.