



OREGON BAR ADMISSION INFORMATION

ANSWERS TO QUESTIONS ABOUT
THE BAR ADMISSIONS PROCESS

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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: admission by reciprocity for lawyers admitted in other states; admission as House Counsel; 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:
www.osbar.org/admissions.

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**:

<u>2006</u>		<u>2007</u>		<u>2008</u>	
Feb.	July	Feb.	July	Feb.	July
74%	82%	83%	80%	70%	TBD

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

<u>2006</u>		<u>2007</u>		<u>2008</u>	
Feb.	July	Feb.	July	Feb.	July
67%	74%	75%	74%	64%	TBD

3. **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.

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

Current applicants may obtain copies of prior essay questions and their answer for \$25.00 for each examination administration. 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.

The MBE, MPT and MPRE

5. What is the MBE?

The **MBE** consists of 200 multiple choice questions. The topics include: 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.

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 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 PRE, and the MPRE may be taken an unlimited number of times.

The Essay Examination

8. 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).

9. 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 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. The same area of law may be the subject of more than one question on the essay examination.

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).

10. 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 is the MPT graded?

All answers to the MPT are reviewed at the grading session. 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.

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. 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. 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%

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. 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.

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;
- 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.

Please note: This list is 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.

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. 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;
- 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.

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 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.

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.

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.

Applicants can obtain the forms to request special accommodations from Admissions staff. These forms further explain the information required from applicants.

In-State Toll-Free Line:
1-800-452-8260
Exts. 310, 311, 316, and 419

Fax: (503) 598-6990

E-Mail: jbenson@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

Bar Admission

25. *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

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

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

**Oregon State Board of Bar
Examiners
Oregon State Bar Center
16037 SW Upper Boones Ferry Road
Tigard, OR 97224**

(503) 620-0222 - Oregon State Bar,
Exts. 310, 311, 316, and 419