

February 2003 MBE Scoring Error

The National Conference of Bar Examiners has determined that a scoring error occurred on the February 2003 Multistate Bar Examination. The error was of a clerical nature – that is, an answer key was improperly recorded as a result of human error, and this affected the machine scoring of one of the 200 questions that appeared on the test.

The error was first reported to NCBE on Friday afternoon, May 2, by ACT, the test contractor responsible for scoring the test. Jurisdictions were notified of the problem on Monday morning, May 5. Following a rescoring process, corrected score reports were distributed to all jurisdictions by ACT on Wednesday, May 7.

The MBE is one component of the bar examination in all but two jurisdictions. Each jurisdiction decides what test components will be included on its bar examination, how to weight the various components, and where to set its pass/fail line.

NCBE can confirm that some MBE scores have changed as a result of the discovery of the scoring error. Candidates who should have received credit for their response have received it, and candidates who received credit when the answer they chose was actually wrong no longer receive it. In most cases, the resulting MBE score changes will not affect the pass/fail status of the candidate.

Not all jurisdictions have released their February bar examination results, and in these jurisdictions the error will be corrected before candidates are notified if they have passed or failed.

Jurisdictions that have already released bar examination results are now assessing the impact of the error on their state-specific calculations and making appropriate corrections. All those jurisdictions that have voluntarily reported to NCBE to date have indicated few changes – or no change at all – at the pass/fail line. Each jurisdiction makes its own policy decisions about how to treat any changes in its test results, as this is a state prerogative.

The MBE has been administered since 1972, and this is the first occasion in memory of an error of this type on the test. NCBE is committed to rectifying the error promptly.