

AUG 10 2020

ADMINISTRATIVE ORDER 2020-08-10

Jorge Navarrete Clerk

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Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

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ORDER CONCERNING MODIFICATIONS TO THE  
CALIFORNIA BAR EXAMINATION

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The changing circumstances surrounding the ongoing COVID-19 pandemic in California have severely limited the State Bar's ability to administer the General Bar Examination in the traditional mass in-person format. Accordingly, the court hereby approves the modifications to the standard schedule for the General Bar Examination below.

The General Bar Examination will be administered online as a remotely delivered exam over two consecutive days on Monday, October, 5 and Tuesday, October 6, 2020.

The first day of the General Bar Examination will consist of five one-hour essay questions with a one-hour lunch break.

The second day of the General Bar Examination will consist of a morning session during which the Multistate Bar Examination (MBE) will be administered. The MBE will be comprised of 100 multiple-choice questions, split into two 50-question sessions tested over 90 minutes each. After a lunch break, the second day will resume as an afternoon session during which a 90-minute Performance Test question will be administered.

The first day of testing and the afternoon session of the second day of testing will also constitute the Attorneys' Examination. Qualified attorney applicants are not required to take the MBE, but may opt to do so by enrolling for and taking the full General Bar Examination.

The answers to the five essays and the Performance Test questions will be graded on the basis of 700 possible raw points — representing up to 100 raw points on each of the five essay questions and up to 200 raw points on the 90-minute Performance Test question.

During the grading process, the written and MBE components will be scaled and weighted equally (50 percent assigned to each). Applicants who take the Attorneys' Examination will have their scores scaled, and the answers to the five essays and the Performance Test questions will be weighted at 100 percent.

Henceforth, the passing score for the General Bar Examination and Attorneys' Examination will be a total scaled score of 1390 or better out of 2000 possible points.

This order supersedes the court's March 16, 2016 order, S232907, and the court will revise or supersede this order, as necessary, for future administrations of the General Bar Examination.

CANTIL-SAKAUYE

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*Chief Justice*



## Supreme Court of California

JORGE E. NAVARRETE  
CLERK AND EXECUTIVE OFFICER  
OF THE SUPREME COURT

EARL WARREN BUILDING  
350 McALLISTER STREET  
SAN FRANCISCO, CA 94102  
(415) 865-7000

August 10, 2020

### SENT VIA USPS AND EMAIL

Alan K. Steinbrecher, Chair  
State Bar of California, Board of Trustees  
180 Howard Street  
San Francisco, CA 94105  
asteinbrecher@steinbrecherspan.com

### **RE: California Bar Exam**

Dear Mr. Steinbrecher,

Since the court's July 16, 2020 announcement of the decision to lower the California Bar Exam passing score from 1440 to 1390, the court has received requests from prior examinees and various stakeholders of the California Bar Examination seeking a retroactive application of the new passing score to prior administrations of the exam. These requests have offered a variety of proposals regarding the extent of any retroactive application, ranging from the February 2020 administration of the exam to the July 2015 administration.

Having considered these requests, the court declines to apply the new passing score of 1390 retroactively to prior administrations of the exam. With one exception, the court is unaware of any jurisdiction in the past decade that has lowered the exam passing score and applied that decision retroactively.

Although the Supreme Court of Montana in 2016 made its decision to lower the passing score retroactive to 2013 examinees, that determination was designed to offset the effect of that court's 2013 decision to increase the passing score. No similar circumstances are present here.

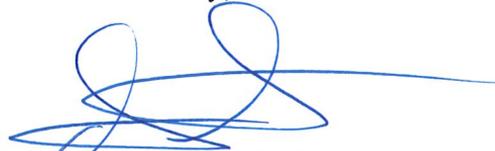
Attached is the court's administrative order concerning the new passing score and the format of the administration of the October 5-6, 2020 exam. This order supersedes the court's prior March 16, 2016 order concerning the upcoming exam. Following the administration of the October exam, the court will issue additional administrative orders addressing future administrations of the exam.

August 10, 2020

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The court continues to greatly appreciate the State Bar's ongoing efforts concerning these matters.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

JORGE E. NAVARRETE  
Clerk and  
Executive Officer of the Supreme Court

cc: Donna Hershkowitz