


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE APPLICANTS FOR ADMISSION
TO THE STATE BAR OF NEVADA BY
EXAMINATION TO BE HELD IN
FEBRUARY 2023.

FILED

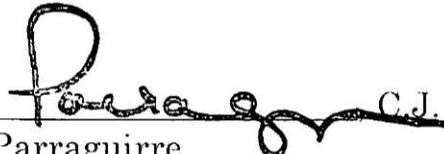
NOV 16 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER

On November 16, 2022, the Board of Bar Examiners of the State Bar of Nevada filed with this court the proposed bar examination grading protocols and standards for grading the February 2023 bar examination. See SCR 65(3). Cause appearing, we approve the attached grading protocols and standards for use in scoring the February 2023 Nevada State Bar Examination.

It is so ORDERED.



Parraguirre C.J.


Hardesty, J.


Stiglich, J.


Cadish, J.


Pickering, J.


Herndon, J.

cc: Richard M. Trachok II, Chair, Board of Bar Examiners
Kimberly K. Farmer, Exec. Director, State Bar of Nevada
Dean Gould, Admissions Director, State Bar of Nevada

**FEBRUARY 2023 NEVADA BAR
EXAMINATION GRADING PROTOCOLS
AND GUIDELINES**

The following protocols and procedures will be implemented for the February 2023 bar exam, in accordance with SCR 65 and SCR 66. The exam will be divided into three (3) equal parts with each part assigned a total of sixty (60) possible points (before conversion by the psychometrician to a score of 75, as noted below), as follows:

- 1) **Essay Questions:** There will be six (6) Nevada essay questions which will test subjects contained in SCR 66. Each essay question will be one (1) hour in length and will collectively constitute one-third (1/3) of an applicant's final score. The essay questions will not be equated or scaled using the MBE and each essay question will be worth a maximum of ten (10). The requirement for scaling against the MBE contained in Addendum 1, Section VI.38 to the SCR's will be suspended for this exam. A raw score of seven (7) points on an essay question will be designated as constituting minimum competence and represent a scale score of 75 for purposes of evaluating individual essay performance. A cumulative raw score of forty-two (42) points will constitute minimum competence for this section of the exam. The final raw score for each essay question will be determined by the Bar Examiner who drafted the essay question, who may work with one or more graders as determined by the Bar Examiner. The essay questions will be given on the first day of the Bar Exam. The essay questions will be in an open-book format according to rules and standards determined by the Board of Bar Examiners. Each essay exam answer will be scored by one (1) independent grader. Next, to enhance grader training and calibration, analytical rubrics will be developed for each essay question that will enhance grader calibration and consistency. Thirty (30) randomly selected exams will be selected and distributed to the Examiners and graders as the calibration responses for the essay questions. These calibration responses will be used to calibrate and adjust the grading rubrics before general grading begins. Those exams will then be embedded back into the general grading pool and will be graded again as a basis of comparison against the calibration exams to evaluate the accuracy and reliability of grading and graders. Finally, score and grader evaluations will be performed throughout the grading process by an ongoing calibration process where each Examiner will verify that the Examiner and graders are grading on a consistent basis throughout the grading process. Each of these steps represent best practices and will assist the exam administrators with detecting and correcting any divergence of scoring standards among the graders.
- 2) **Multi-State Bar Exam (MBE):** The MBE will be given on the second day of testing in accordance with all testing protocols and procedures required by the National Conference of Bar Examiners (NCBE) and will be in a closed-book format. The scaled score on the MBE provided by the NCBE will constitute one-third (1/3) of the applicant's final score. A score of one hundred thirty-eight (138) will constitute minimal competence and will result in a raw score of forty-two (42) points for this section of the exam.
- 3) **Performance Tests:** There will be two (2) Nevada Performance Tests ("NPT's") which will test subjects contained in SCR 66 and will collectively constitute one-third (1/3) of an applicant's final score. Each NPT will be two (2) hours in length and will not be equated or

scaled using the MBE. The requirement for scaling against the MBE contained in Addendum 1, Section VI.38 to the SCR's will be suspended for this exam. Each NPT will be worth a maximum of thirty (30) points. A raw score of twenty-one (21) points on each NPT will constitute minimum competence. A cumulative raw score of forty-two (42) points will constitute minimum competence for this section of the exam and represent a scale score of 75 for purposes of evaluating individual NPT performance. The final raw score for each NPT will be determined by the Bar Examiner who drafted the NPT, who may work with one or more graders as determined by the Bar Examiner. The NPT's will be given on the third day of the Bar Exam. The NPT's will be in a closed-book format. Each NPT exam answer will be scored by one (1) independent grader. Next, to enhance grader training and calibration, analytical rubrics will be developed for each NPT that will enhance grader calibration and consistency. Thirty (30) randomly selected exams will be selected and distributed to the Examiners and graders as calibration responses. These calibration responses will be used to calibrate and adjust the grading rubrics before general grading begins. Those exams will then be embedded back into the general grading pool and will be graded again as a basis of comparison against the calibration exams to evaluate the accuracy and reliability of grading and graders. Finally, score and grader evaluations will be performed throughout the grading process by an ongoing calibration process where each Examiner will verify that the Examiner and graders are grading on a consistent basis throughout the grading process. Each of these steps represent best practices and will assist the exam administrators with detecting and correcting any divergence of scoring standards among the graders.

- 4) A total raw cumulative score of one hundred twenty-six (126) points will constitute a passing score. As required by SCR 69(1), the psychometricians employed by the Board of Bar Examiners will convert the raw scores so that the raw scores noted above for establishing minimum competency and the total passing score for the exam will be converted to a scale score of 75, and an applicant must pass at least three (3) essay questions (which includes the NPT's for determining three (3) questions) with a converted score of 75. The Board of Bar Examiners will work with its psychometricians to ensure that appropriate measures are taken to assure reliability and validity of the scores.
- 5) The Board of Bar Examiners will reassess the exams in those cases where an examinee achieves a cumulative converted scale score between 72.00 and 74.99, and the Board will be permitted to increase the range of exams to be reassessed as determined in the Board's judgment.