# Texas Bar Examination General Instructions

**Monday, October 5, 2020 – Tuesday, October 6, 2020**

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Texas Bar Exam Security Policy

1. **Secure Area**

   The Secure Area refers to the private room you have chosen to take the exam in, during the time that you are actually taking an exam (exam session).

   Do not leave your Secure Area during any exam session to use the restroom, smoke, eat, drink, or for any other reason. You should be in view of your webcam at all times during each exam session.

   You cannot have Prohibited Items in your Secure Area during an exam session.

   Nobody can be in your Secure Area with you during any exam session.

   Your Secure Area should be quiet. All televisions, radios, etc. Must be turned off during each exam session.

   After each 90-minute testing session, you will have a comfort break of about 30 minutes. (Accommodated examinees should consult their individual Bar Exam Time Charts for the duration of each exam session and each comfort break.) During this comfort break, your webcam will not record any of your activities, and you may leave your Secure Area if desired.

2. **Permitted Items**

   You are permitted to bring the following items into your Secure Area on both testing days. These items should be in view of your webcam, if possible:

   - Sweater or jacket
   - Prescription medicine, in its original packaging
   - Prescription eye glasses (no cases, no dark lenses)
   - Contact lenses, in individual containers (no boxes)
   - Items pre-authorized in a written Courtesy Arrangement For Health-Related Condition
   - Water in a clear container with no labels or writing.
   - Authorized laptop, web cam, extension cord, cooling stand.
The following items are also permitted during the Texas Essays and the MPT, and are *not* permitted during the Procedure & Evidence Questions or the MBE:

- Blank scratch paper
- Pens, pencils, highlighters

3. **Prohibited Items**

Anything not listed above as a Permitted Item is Prohibited in your Secure Area. Cell phones are Prohibited in your Secure Area during any exam session.

Examples of Prohibited Items that cannot be in your Secure Area during the exam sessions include:

- **Pens, pencils, and highlighters during the P&E or MBE**
- **Blank scratch paper during the P&E or MBE**
- Study materials
- **Cell phones**, smart watches, fitness trackers, and any other electronic device
- Watches of any type, digital watches, analog watches, timers, clocks
- Mechanical pencils
- Pencil sharpeners
- Food and beverages, except water in a clear container
- Additional cameras
- Scanners, recorders
- Hats, scarves, headgear (except religious items)
- Headphones, **ear plugs**, or any sound suppression device
- Billfolds, wallets, cardholders
- Calculators
- Smoking materials
- Backpacks, purses, tote bags
- Erasable pens
- Anything not listed as a Required Item or a Permitted Item cannot be within reach during the exam. We understand that your Secure
Area will have items in it, such as bookshelves, televisions, pictures, etc.

4. **Empty Pockets**

Any pockets in your clothing must be empty. Place all of your Permitted Items in view of your webcam, if possible.

5. **Communications**

You cannot communicate with anyone during any testing session.

Do not bring cell phones or communication devices of any kind into your Secure Area.

Exception: You may keep a cell phone in a nearby room. You may retrieve it and then use it, in front of the webcam if possible, to communicate with ExamSoft if needed.

6. **Uploading Answer Files and Monitoring Files**

Examplify will notify you when the exam session has ended. If you have access to wi-fi, you may upload your answers and/or monitoring files during your 30-minute break. Alternatively, you may wait and upload later.

**All answer files and all monitoring files must be uploaded by 11:59 p.m. central time on Friday, October 9, 2020.**

Answer files will upload first and will upload quickly.

Monitoring files will upload separately and will take some time to upload. If you begin uploading during a break and the upload has not finished before the next exam session starts, you may begin the exam session without waiting for the upload to finish. Examplify will pause the upload, and it will have no effect on your ability to complete the next exam session. To check the progress of the monitoring file uploads, return to your dashboard.

**All answer files and all monitoring files must be uploaded by 11:59 p.m. central time on Friday, October 9, 2020. If you do not upload all answer files and all monitoring files by this deadline, we will not grade your bar exam.**

7. **Code of Conduct and Honor Pledge**

Please review the Code of Conduct following these instructions.

After the exam, we will send you an Honor Pledge through ATLAS, asking
if you abided by the Code of Conduct, and instructing you to complete and upload the Honor Pledge. If you do not upload the Honor Pledge, we will not release your results.

**Exam Day Procedures**

1. **Examinee Number**
   The bar exam is processed and scored entirely by your randomly assigned 5-digit examinee number, also referred to as your test taker ID number.

2. **Exam Day Passwords**
   You will need a password to access each exam session, and you will need to be connected to the internet to retrieve each password. Each exam session has its own password. You need to retrieve a new password before each exam session.

   Each password will be posted about 15 minutes before a session begins.

   About 15 minutes before each session:
   - ExamSoft will email the password to the email you have on file with ExamSoft
   - ExamSoft will post the password here: http://www.examsoft.com/TXBar
   - ExamSoft will post the password here: https://bar.examsoft.io/txbar
   - The BLE will post the password here: www.ble.texas.gov, in the New Announcements box

   You only need retrieve the password once, either from your email or from one of the sites listed above. The same passwords will be posted through all 4 channels. If you retrieve a password from one of these sites, you do not need to retrieve anything from any other site.

   If you find yourself with no internet, you can still take the exam. Call the BLE at (512) 463-1621, and we will tell you the password.

   If you are an accommodated examinee, the BLE will email your password to you about 15 minutes before each exam. You may also call the BLE at (512) 463-1621, and we will tell you the password.

   Additional information about exam day procedures is still posted here: https://ei.examsoft.com/GKWeb/login/TXBar
3. **Leaving Your Seat During an Exam Session**

You are expected to remain in your seat, in view of your webcam, during each exam session. You cannot leave your seat until you have finished that session.

If you must leave your seat during any exam session in response to an emergency, you should announce the reason you must leave so that your explanation for leaving your seat can be recorded. Leaving your seat will not automatically disqualify you from the exam—we understand that unanticipated events might occur. However, leaving your seat during the exam means that you have had unproctored access to materials during the exam, and we will investigate.

4. **Scratch Paper for the MPT and/or the Texas Essays**

Scratch paper means **blank** paper that you bring into your Secure Area and that you then use to make notes during an exam session. Scratch paper must start out blank. It may be lined notebook paper or unlined printer paper, but it cannot have any writing on it at when the exam session begins.

Scratch paper can be used for making notes. Nothing that you write on scratch paper during the exam will be graded.

If you choose to use scratch paper for the MPT and/or the Texas Essays, it is your sole responsibility to understand the following:

- You may use blank scratch paper for the MPT and the Texas Essays. Don’t abuse this to try to sneak in notes. We will investigate all anomalies.
- You may **not** use scratch paper for the Procedure & Evidence Questions. Having scratch paper in your Secure Area during the P&E would be a serious violation of exam integrity and will be reported to the Board as exam misconduct. The BLE will have no tolerance for examinees who say they did not understand this.
- You may **not** use scratch paper for the MBE. Having scratch paper in your Secure Area for any part of the MBE would be a serious violation of exam integrity and will be reported to the Board and the NCBE as exam misconduct. The BLE will have no tolerance for examinees who say they did not understand this.
- Make sure you understand the exam schedule. Do **not** have scratch paper in your Secure Area during the P&E. Do **not** have scratch paper in your Secure Area during the MBE.
5. **Withdrawing From the Bar Exam**

If you decide not to take this bar exam, then send a message to your licensure analyst through your ATLAS home page. Fees are *not* refunded and are *not* transferred to a future exam. If you want to take a future exam, you must submit a re-application and fees by the applicable deadline in Rule 9(a). (You would *not* be eligible for the special re-application deadline set out in Rule 9(f).)

6. **Starting, But Not Completing, the Bar Exam**

You may take the bar exam a maximum of 5 times. If you sit for any part of an exam, it will count as one of your 5 attempts. However, unless you make a bona fide effort to complete each section of the exam, we will not grade any part of the exam, and if you want to take a future exam, you must submit a re-application and fees by the applicable deadline in Rule 9(a). (You would *not* be eligible for the special re-application deadline set out in Rule 9(f).)

7. **Technical Assistance on Exam Days**

Because of the remote nature of this exam, technical assistance on exam days will be very limited. Most issues during an exam (e.g., a freeze, etc.) can be resolved by rebooting the device. To reboot:

- Do **not** exit the exam
- Turn off your device (press and hold power button)
- Wait 5 seconds
- Restart your device.
- Once Examplify restarts, it will return to within 59 seconds of where you left off in the exam.

**NOTE:** If you are out of your exam for more than 10 minutes, you will be required to exit the exam and call the ExamSoft helpline for a resume code. 866-429-8889, ext. 1 then 3.

For help with ExamSoft on exam day, call 866-429-8889 ext. 1 then 3.
Exam Components and Testing Schedule

1. Schedule

<table>
<thead>
<tr>
<th>Start Time Central Time</th>
<th>Day 1 Monday, Oct. 5</th>
<th>Day 2 Tuesday, Oct. 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:40 a.m.</td>
<td>Make sure there are no Prohibited Items in your Secure Area. Log in to Examplify. Retrieve your password.</td>
<td>Make sure there are no Prohibited Items in your Secure Area. Log in to Examplify. Retrieve your password.</td>
</tr>
<tr>
<td>9:00 a.m.</td>
<td>P&amp;E Questions (90 min.)</td>
<td>Texas Essays 7-9 (90 min.)</td>
</tr>
<tr>
<td></td>
<td>Break (about 30 min.)</td>
<td>Break (about 30 min.)</td>
</tr>
<tr>
<td>11:00 a.m.</td>
<td>MPT (90 min.)</td>
<td>MBE 1-50 (90 min.)</td>
</tr>
<tr>
<td></td>
<td>Break (about 30 min.)</td>
<td>Break (about 30 min.)</td>
</tr>
<tr>
<td>1:00 p.m.</td>
<td>Texas Essays 1-3 (90 min.)</td>
<td>MBE 51-100 (90 min.)</td>
</tr>
<tr>
<td></td>
<td>Break (about 30 min.)</td>
<td>Break (about 30 min.)</td>
</tr>
<tr>
<td>3:00 p.m.</td>
<td>Texas Essays 4-6 (90 min.)</td>
<td>Texas Essays 10-12 (90 min.)</td>
</tr>
</tbody>
</table>

Examinees who have been granted testing accommodations should refer to their individual Bar Exam Time Charts.

2. Procedure and Evidence Questions (P&E)

- The P&E Questions cover both civil and criminal procedure and evidence. You will have a total of 90 minutes to complete all 40 questions.

- Each of the 40 P&E Questions is worth 5 raw points—if a question has sub-parts, do not assume that each sub-part is of equal value.

- Each answer is limited to 360 characters. A character includes a letter, space, punctuation mark, or symbol.

- Scratch paper is not allowed for the P&E. You may not use scratch paper for the Procedure & Evidence Questions. Having scratch paper in your Secure Area during the P&E would be a serious violation of exam integrity and will be reported the Board as exam misconduct. The BLE will have no tolerance for examinees who say they did not understand this.

3. Multistate Performance Test (MPT)

- The MPT is a 90-minute exam designed to test your ability to use
fundamental lawyering skills in a realistic situation and to complete a task a beginning lawyer should be able to accomplish. For more information about the MPT, see “About NCBE Exams” at www.ncbex.org.

- Scratch paper is allowed during the MPT.

4. The Texas Essay Questions

- The Texas Essay Questions cover the following subjects
  - Trusts and guardianships
  - Wills and administration
  - Family law
  - Uniform Commercial Code
  - Consumer rights, including DTPA and insurance
  - Business associations, including agency, corporations, partnerships, LLCs, and professional associations
  - Real property, including oil and gas

- Essay questions may involve some issues covered on the MBE, as well as crossover topics of income, estate, and gift taxes, and bankruptcy. See Appendix A and Appendix B of the Rules for more information. You will be expected to recognize and discuss all issues raised by the facts, regardless of possible overlap among subjects. Essay questions are not identified on the exam by subject matter.

- Some of the questions have sub-parts. If a question contains sub-parts, number the answers to correspond to the parts of the questions (i.e., 2a, 2b, 2c). Do not assume that each sub-part is of equal value.

- You may use scratch paper for the Texas Essays.

5. Tips for answering Texas Essay Questions

- Read each question carefully and analyze it fully.

- Questions are intended to be inquiries on fundamental points of law. Do not search for hidden meanings, “catches,” or remote exceptions, since none is intended. Use your best judgment to determine the plain meaning of the question.

- Your answer should show an understanding of the facts, the issue(s),
and the relevant law, and it should present the reasoning you used to reach your conclusion.

• Write concisely and clearly.

• If a question contains subparts, label your response to each subpart.

• If a direct question is asked, answer it directly.

• Do not volunteer irrelevant information or repeat points.

• If you present arguments for different possible views, be certain you decide the issue.

• Use complete sentences.

• Do not use slang or abbreviations other than for names of parties (i.e., D for defendant; or H for husband).

• Unless otherwise indicated in the question, you may assume:
  o All parties are domiciled in Texas
  o All actions and transactions occur in Texas
  o All court proceedings are brought in the state courts of Texas
  o All property, real and personal, is situated in Texas.

6. Multistate Bar Exam (MBE)

• The Multistate Bar Examination (MBE) consists of 100 multiple-choice questions, divided into 2 90-minute sessions. The MBE covers the following subjects: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts. All subjects are covered in both the morning and the afternoon sessions. For more information about the MBE, see “NCBE Exams” at www.ncbex.org.

• You may not use scratch paper for the MBE. Having scratch paper in your Secure Area for any part of the MBE would be a serious violation of exam integrity and will be reported to the Board and the NCBE as exam misconduct. The BLE will have no tolerance for examinees who say they did not understand this.

Release of Results

We plan to release results in the first week of December. Please do not contact the Board’s office to ask if results will be released before this time.
We will deliver results of the Bar Exam as follows:

- **Through ATLAS.** We will deliver your results to your ATLAS account, and e-mail you a notification when the results are delivered. It is important to keep your e-mail address updated in ATLAS.

- **On our website.** We will post a list of the names and examinee numbers of successful examinees on the Board’s website, www.ble.texas.gov. Keep your examinee number, especially if you have a common name, so you can refer to it when reviewing the pass list.

- **By first class mail.** Upon request, we will mail your results to you.

### Additional Licensing Requirements

You cannot be admitted to the Bar of Texas unless and until you satisfy all requirements set out in Rule 2 of the Rules Governing Admission to the Bar of Texas. In addition to passing the Bar Exam, requirements for licensing also include:

- Satisfying the present good moral character and fitness requirement of Rule 2(a)(3)
- Satisfying the law study requirement of Rule 2(a)(4)
- Satisfying Rule 2(a)(5)
- Scoring 85 or higher on the Multistate Professional Responsibility Examination
- Paying fees and assessments required by Article III, Sec. 2(A) of the State Bar Rules
- **Enrolling in the State Bar of Texas**
- Taking the oath required by Government Code §82.037.

If you do not satisfy all licensing and admission requirements within 2 years of the date we notify you of your passing Bar Exam score, the score will be void. Rule 2(b).

### Taking the Oath

Any person who is authorized to administer oaths—including a judge, retired judge, clerk, or notary public—may swear you in, either before or after you receive your license in the mail. See Tex. Gov’t Code §602.002.

A person authorized to administer the oath may administer it to you **remotely**, such as by videoconferencing or teleconferencing, and may
attest to the oath electronically by sending you an electronic or scanned image of his or her signature on the oath form. The person administering the oath must also comply with any other applicable requirements; for example, a notary must comply with the requirements for online notarization. See Tex. Gov’t Code §§406.101 et seq.

A copy of the oath, the elements of which can be found at Texas Government Code §82.037, can be found here: oath or alternative oath. After you complete the oath, attach it to the back of your license. Do not send it to the Bar or the Court.

The Examination Review Process

Rule 11 of the Rules Governing Admission to the Bar of Texas provides two alternative methods to review your performance on parts of the Bar Exam: formal reviews and informal reviews. Reviews are not appeals or regrades, and will not result in a change to your Bar Exam score.

Formal Reviews. Rule 11(g) provides for a one-time formal review, which is an individual, oral review of your performance on the Bar Exam (excluding the MBE). You are entitled to a formal review if you have failed the Texas Bar Exam more than once and have not previously had a formal review. Regardless of the number of Bar Exams taken, you are entitled to only one formal review. We must receive your request for a formal review 14 calendar days after results are released. We will notify you of exact dates and additional procedures after we receive and process all requests.

Informal Reviews. If you are unsuccessful on the Bar Exam, we will provide you with a written Informal Review of your performance on all components of the Bar Exam, as provided by Rule 11. This Informal Review will be provided to you without the need for a written request. The Informal Review will include your final scaled score on each component of the exam: Multi-State Performance Test, Procedure and Evidence Questions, Multi-State Bar Exam, and each of the Texas Essays. It will also include your national percentile ranking on each subject matter area of the MBE.

Scoring and Weighting

The Texas Bar Examination has four parts. The highest possible total scaled score across these parts is 1,000 points. A total scaled score of 675 or higher is required for passing. The relative weights of the parts are as follows:

- Multistate Performance Test (MPT): 10%
• Procedure & Evidence (P&E): 10%
• Multistate Bar Exam (MBE): 40%
• Texas Essays (Essays): 40%

Scaling insures fairness between exams from one administration to another and between questions within any given exam.

(1) The Multistate Performance Test tests an applicant’s ability to use fundamental lawyering skills in a realistic situation by completing a task that a beginning lawyer should be able to accomplish. Further information regarding the MPT can be found at www.ncbex.org.

The MPT is graded on a scale where a 6 is the highest possible score and 0 is the lowest possible score. These grades are converted to the same scale of measurement as that used for the MBE.

(2) Procedure and Evidence Questions. The Procedure & Evidence (P&E) portion contains 40 short answer questions on Texas and federal procedure and evidence: 20 questions on civil procedure and evidence and 20 questions on criminal procedure and evidence. The answers to each question are graded on a 0 to 5 point scale. Thus, the maximum possible raw score on each section is 100 points. The raw scores on the Civil and Criminal sections are then converted to a common score distribution that weights the sections equally and allows for direct comparison of scores between these two sections.

(3) The Multistate Bar Examination is a multiple-choice test. It contains approximately 100 questions that are used to calculate an applicant’s score. The Board has retained a psychometrician to scale the October MBE scores. Further information regarding the MBE can be found at www.ncbex.org.

(4) Texas Essay Questions. The Texas Bar Examination includes 12 Texas Essay questions. Each essay question is graded on a scale where 25 is the highest possible score and 0 is the lowest possible score. The raw scores on each essay question are then converted to a common score distribution that weights the questions equally and allows for direct comparison of scores across the 6 questions.

Method of Scaling Scores

• MPT raw scores (on the 6-point scale) are converted to a score distribution that has the same mean and standard deviation as the MBE scaled scores.
• The sum of the converted Civil and Criminal P&E scores is scaled to a score distribution that has the same mean and standard deviation as the MBE scaled scores.

• The sum of the converted Essay scores is scaled to a score distribution that has the same mean and standard deviation as the MBE scaled scores.

• The formula below is used to compute the total scaled score, rounded to the nearest whole number:

\[
\text{MPT scaled score ÷ 2} \\
+ \\
\text{P&E scaled score ÷ 2} \\
+ \\
\text{MBE scaled score × 2} \\
+ \\
\text{Essay scaled score × 2} \\
= \\
\text{Final Score}
\]

For More Information

www.ble.texas.gov

• Past Texas Essay Questions, P&E Questions, and Selected Answers

• Notices and Announcements (home page)

• Bar Exam Information

• Rules Governing Admission to the Bar of Texas (Rulebook tab)

• FAQs

www.ncbex.org

• Multistate Bar Exam (MBE) subject matter outline and sample test questions

• Multistate Performance Test (MPT) tests, summaries, and point sheets

• Information on the Multistate Professional Responsibility Exam (MPRE)

CODE OF CONDUCT
CODE OF CONDUCT FOR
OCTOBER 2020 ONLINE TEXAS BAR EXAMINATION

The October 2020 Texas Bar Examination will be administered remotely, due to the Covid-19 pandemic, using Examplify software licensed by ExamSoft. **This is not an “open book” examination.** Access to the examination materials is limited to bona fide applicants admitted to the examination by the Texas Board of Law Examiners. By accessing the examination materials, every applicant agrees to the following Code of Conduct:

The October 2020 Texas Bar Examination is a restricted examination. Access to **prohibited items** listed in the General Instructions is prohibited during the examination periods on October 5-6, 2020. Study materials, cell phones, smart phones, smart watches, fitness trackers and any other electronic devices or study aids, other than a laptop or desktop computer used to perform the examination using Examplify software, are prohibited items.

The **Secure Area** for the October 2020 online Texas Bar Examination is within the four corners of the room where you choose to perform the examination. Prohibited items are not permitted in the Secure Area. If the presence of a prohibited item in the Secure Area is detected or reported, the BLE staff it will result in an allegation of examination misconduct.

**The following acts are also prohibited** during the October 2020 online Texas Bar Examination: obtaining, seeking to obtain, providing or seeking to provide access to examination questions before you are instructed to do so for each examination session on October 5-6, 2020; copying, using, transmitting or receiving any information from or to any person, entity or resource during the examination for the purpose of obtaining or providing assistance in preparing answers to the examination questions; communicating with anyone other than Board staff or ExamSoft technicians during any examination session; responding to examination questions after time is called; copying or sharing examination materials or answer content with any person other than Board staff; failing to follow written and oral instructions from the Board or ExamSoft staff about the examination; any other act that might compromise the security or integrity of the examination.

Any action by you that is perceived to be in violation of this Code of Conduct may result in an allegation of examination misconduct to be determined at
a hearing before the Board to determine if your examination results will be nullified or a finding made that you lack the present good moral character required for admission to the Bar under the Rules Governing Admission to the Bar of Texas.