

APÉNDICE VIII



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO
150 CARLOS CHARDÓN AVENUE
SAN JUAN, PUERTO RICO 00918

RAÚL M. ARIAS - MARXUACH
CHIEF U.S. DISTRICT JUDGE

TEL. (787) 772-3149
FAX (787) 772-3153

March 22, 2022

By electronic correspondence:
maite.oronoz@ramajudicial.pr

Hon. Maite D. Oronoz-Rodríguez
Chief Justice
Supreme Court of Puerto Rico
8 Avenida de la Constitución
San Juan, Puerto Rico 00901

Dear Chief Justice Oronoz:

This is further to the Supreme Court of Puerto Rico's request for information pertaining to the Federal Bar Examination for use by a commission evaluating the Puerto Rico Bar Examination. Attached is responsive information which is being provided in the interest of comity between the two courts.

Saludos,

A handwritten signature in blue ink, appearing to read 'RAM', written over a light blue horizontal line.

cc. Hon. Silvia Carreño-Coll, District Examination
Committee Chair
Maria Antongiorgi-Jordán, Clerk of Court

1. Total number of lawyers examined on each federal bar examination administered from 2010 to 2021.
2. The passing rate of each examination administered from 2010 to 2021. It would be useful to have the information per examination of the total passing percentage as well as the passing percentage by law school.

Exam Date	Attendees	Passed %	UPR Pass %	Inter Pass %	PCU Pass %	US Pass %
10-Apr	291	32%	51%	24%	15%	50%
10-Oct	262	20%	38%	16%	11%	33%
11-Apr	293	24%	32%	26%	10%	57%
11-Oct	265	39%	57%	33%	29%	71%
12-May	310	27%	41%	21%	17%	46%
12-Oct	216	37%	57%	26%	16%	42%
13-Apr	308	38%	51%	31%	29%	70%
13-Nov	257	58%	71%	55%	42%	76%
14-May	315	38%	50%	43%	21%	35%
14-Nov	261	41%	55%	36%	33%	38%
15-Apr	277	33%	51%	25%	19%	73%
15-Oct	282	39%	53%	34%	36%	46%
16-Apr	282	40%	53%	31%	34%	85%
16-Nov	222	17%	29%	16%	10%	30%
17-Apr	228	48%	61%	40%	34%	80%
17-Nov	101	40%	52%	38%	31%	50%
18-Apr	190	29%	47%	18%	23%	38%
18-Nov	156	23%	37%	9%	17%	47%
19-Apr	167	18%	24%	14%	5%	39%
19-Oct	181	57%	69%	51%	48%	57%
20-Nov ¹	177	46%	55%	40%	35%	50%
21-Apr	173	31%	49%	24%	19%	25%
21-Nov	107	40%	46%	22%	29%	71%
	231.35	35%	49%	29%	24%	53%

3. Do you employ the same multiple-choice questions on every examination?

No. Questions used in previous examinations are provided to District Examination Committee ("DEC") members for reference purposes only. It is DEC policy that none of the questions from an immediately preceding examination may be used in the preparation of upcoming bar examination questions.

¹ Due to COVID-19 Pandemic Conditions, the Spring 2020 Federal Bar Examination was cancelled.

4. The process used to draft questions that will be included in your examination, including the person or persons that prepare those questions.

Multiple choice questions are selected from proposed questions drafted and submitted by DEC members. The proposed questions for all subjects are submitted for review by all DEC members and a determination by consensus is made of which questions are to be used during a Question Selection Meeting. The DEC is composed of combination of District and/or Magistrate Judges, the Clerk of Court, active and practicing members of the bar and Clerk's Office Executive Staff. DEC members are appointed in staggered terms of three years, as per Local Civil Rule 83C.

5. The process used to grade the answers to those questions, including the person or persons who act as graders.

After all questions for an upcoming bar examination are selected, an answer key is created, with reference to a correct alternative for each question and the rule or statute that supports each one. These correct alternatives are then transferred to Scranton form and submitted, along with all participants' answer sheets, to a third-party vendor, Caribbean Data. This vendor proceeds to grade each participant's answer sheet against the Court's Answer Key Scantron form and produces a report with the grading of each participant and a statistical analysis for each question and the overall exam. The Federal Bar Examination does not go through any grade calibration.

6. If different forms of the examination are used throughout the years to evaluate candidates, what measures, if any, are employed to adjust for differences in difficulty levels among these differing forms?

The exam format is the same, 50 multiple choice questions. The exam also has a pass/fail essay question to determine an applicant's proficiency in the English language.

7. If any, what other psychometric measures are used before reporting scores?

No psychometric measures are used.

8. Do you have a psychometrician working with the examination and/or scores? If so, please state his or her name.

No. The analysis of bar examination scores is limited to the review by DEC member of the tabulation performed by Caribbean Data Systems.

9. The point scale used in the process of awarding scores to the multiple-choice portion of this test, i.e., weighted scores, raw scores, etc.

Each of the fifty multiple-choice questions is awarded the same weight of two points, regardless of its subject matter or its difficulty factor.

10. How do you arrive at the passing score of 66 percentage points in the multiple-choice portion of this test?

The DEC determined that, in accordance with Local Civil Rule 83A(a)(1), a score of 66 is a satisfactory score on the bar examination.

11. What information or study did you use to determine the subject matters that are evaluated in your examination?

The DEC proposed and the Court adopted to test applicants' knowledge in eight separate subject matters, which represent the most common areas of practice in the District Court, as stated in Local Rule 83C. These subjects are Federal Civil Procedure, Federal Evidence, Federal Jurisdiction and Venue, Federal Criminal Procedure, Federal Appellate Procedure, Bankruptcy, Local Rules, and Ethics.