

NOVA SCOTIA BARRISTERS' SOCIETY

Operational Policy No.

NAME OF POLICY			
DEPARTMENT			
Approved by DATE	Effective DATE	Reviewed	Revised

Policy on Remarking of Bar Examination

1.1 Notification to Applicant of Failure

1.1.1 The Executive Director must provide an applicant who fails the Bar Examination a copy of their marked exam showing the grade achieved and must inform the applicant of the remarking process.

2.1 Remarking Request

2.1.1 Within 30 business days from the date of the release of the Bar Examination results (the "Notice Period"), an applicant may request that their Examination be remarked. This request must be submitted in writing to the Executive Director, care of the Director of Education & Credentials. Additionally, payment of the remarking fee (as outlined in the Nova Scotia Barristers' Society fee schedule) must be received prior to forwarding the request to the Bar Examiners.

Exam Review Required

2.1.2 Prior to requesting a remarking, the applicant must meet, with an Officer, Education & Credentials, in person or by telephone, to review their exam.

2.1.2.1 Prior to meeting with an Officer, Education & Credentials the applicant must review at least one of their failing answers, compare the answer with the sample answers provided and provide the Officer, Education & Credentials with an outline showing the differences between the issues discussed in the applicant's answer and those discussed in the sample answers.

Remarking of Bar Exam

2.1.3 Despite any other regulation, the remarking of a Bar Examination by the Bar Examiners is in lieu of an internal review of a failed bar examination.

3.1 Responsibility of Executive Director

3.1.1 Upon receipt of a remarking request, the Executive Director will:

- (a) acknowledge the request; and
- (b) determine if the request was made within the Notice Period.

3.1.2 If the remarking request was made within the Notice Period, the Executive Director will forward the request and all appropriate documents to the Bar Examiners within 30 days following the close of the Notice Period. If the remarking request was not made within the Notice Period, the Executive Director will notify the applicant that the Notice Period has lapsed and their request has been denied.

4.1 Bar Examiners - Remarking Time Period

4.1.1 The Bar Examiners will remark the exams within a reasonable time following receipt.

Policy does not disadvantage

4.1.1a This policy has been developed to advantage, and not to disadvantage, applicants requesting to have their examination remarked.

Preparation for Remarking

4.1.1b Each of the failing questions will be remarked by three Bar Examiners. The Director, Education & Credentials provides the Bar Examiners with a memorandum enclosing:

- (a) a marking sheet indicating which failing answers each of the Examiners should remark;
- (b) the applicants' complete examinations;
- (c) a copy of the sample examination which contains the best answers for each of the questions, and provides examples of how the questions were answered by other applicants facing the same time and space limitations;
- (d) analyses and weighted issues list for the failing answers; and
- (e) the grading report of the initial examiner.

Instructions to Bar Examiners

4.1.1c The Director, Education & Credentials instructs the Bar Examiners that when remarking the exams:

- (a) the questions, analyses, and issues lists should not be changed, as they were set by the Nova Scotia Barristers' Society Screening Committee and were used to grade the answers of all the exam applicants, and
- (b) mere issue spotting should not receive full credit. Rather, the answers require reasoning and resolution.

Failing Answers Remarked

4.1.2 The Bar Examiners will remark the questions on which the applicant did not receive a passing grade.¹

Bar Examiners Meet

4.1.3 After the Bar Examiners have marked the questions individually, they will meet to review the exams and finalize the mark. All examiners must be present at the remarking meeting to ensure fairness and thoroughness. If a Bar Examiner is unable to attend by person or telephone, the Director, Education & Credentials will reschedule the meeting.

Examiners may Choose to Review Complete Examination

4.1.4 The Bar Examiners are provided with the applicant's complete examination, and may choose to remark it in its entirety, and will do so if the marks on the failing answers go up.

5.1 Notification to Applicant of Results

5.1.1 The Executive Director will notify the applicant of the results of their remarking within a reasonable time.

6.1 Results of Remarking

6.1.1 The grade assigned on the remarking by the Bar Examiners is the final grade and is not subject to review or appeal.

7.1 Society Involvement and Function of Society Staff

7.1.1 The Executive Director (or any of their delegates / designates) will not be present at, nor participate in, Bar Examiner meetings where Bar Examinations are remarked.

7.1.2 Nova Scotia Barristers' Society staff will collect information and ensure timely delivery of materials on behalf of the Bar Examiners but will not be present at, nor participate in, Bar Examiner meetings where Bar Examinations are remarked.

*Approved by the Credentials Committee – May 26, 2010
updated October 2016
updated November 22, 2018.*

¹ As experience has shown that marks usually go down, not up, on a remarking, applicants receive the benefit of the doubt on the questions that they have passed, and the passing mark stands.