

Statement from the Delaware Board of Bar Examiners Regarding Bar Exam Essay Topics

A question has been raised about the interpretation of the 2023 amendment to Board Rule 12 altering the scope of the criminal law and procedure subjects that may be tested on the Delaware Bar Examination. The pertinent language states:

- Criminal law and procedure (including the Delaware Criminal Code, provided, however, that the essay questions will not include identification of degree of offense or quantity tiers for drug offenses) . . .

The proviso applies only to drug offenses. In other words, any criminal law and procedure essay question will not include, among the subjects tested, identification of, for drug offenses only, the degree of the offense or quantity tiers. Degrees of the offense may be tested for non-drug offenses.

Applicants should not draw an inference from this clarification, one way or another, about whether or not criminal law and procedure will be among the subjects of the essay questions for the February 2024 Delaware Bar Examination.