



The State Bar *of California*

Synthesizing and Developing a Roadmap of Bar Exam Studies

Committee of Bar Examiners

April 24, 2020
Zoom Teleconference

Overview and Synthesis of Bar Exam Studies — Developing a Bar Exam Roadmap

Studies Include:

- **California Attorney Practice Analysis Study (CAPA)** - *Scantron*
- **Differential Item Functioning Analysis Report (DIF)** - *Scantron*
- **Review of the California Bar Examination Administration and Associated Components** – *CA Dept. of Consumer Affairs*
- **A Report on the Effects of the CBX Phased Grading Process** – *Dr. Roger Bolus*



A Framework for Reviewing and Synthesizing the Studies and Recommendations

Key Phases and Components of Any Testing Program

Planning and Evaluation Phase

- Define the construct and minimum competence
- Determine content outline and test specifications
- Determine test formats
- Evaluate foundational issues regarding validity, reliability, and fairness

Design and Development Phase

- Develop and select items
- Organize item banks
- Develop model answers and grading rubrics
- Pretest and review items for content and fairness

Administration and Scoring Phase

- Grading
- Scoring
- Scaling
- Analyzing results (reliability, DIF, etc.)



Toward a Roadmap for Bar Exam Development and Improvement



**Recommendations for Near Term
Actions**



**Recommendations for Long Term
Policy Decisions**



Planning and Evaluation Phase: Near Term Actions



Minimum Competence Definition

1. Adopt construct statement and entry-level attorney definition;
2. Further develop and operationalize minimum competence definition; and
3. Incorporate into the development of grading rubrics and standard setting studies.

CAPA



Exam Policies and Procedures

Develop policy and procedures for ongoing exam validation, incorporating statutory requirements and addressing who will be included in exam development and validation activities.

DCA



Design and Development Phase: Near Term Actions



Review Exam Questions

Convene a diverse panel to review flagged items from the DIF study and to prospectively review potential exam questions.

DIF



Modify Grading Policies

Modify grading policies to develop model answers and scoring rubrics at time of question development and pretest.

DCA



Administration and Scoring Phase: Near Term Actions



**Eliminate Phase
3 Grading**



**Narrow Second
Read Band**



**Add More
Graders**

Bolus



**Diversify Graders
and Observers**

Modify grading policies regarding graders and observers to include entry-level attorneys, ensure geographic diversity, evaluate compensation and observer type (eg. law school).

DCA



**Revisit Cheating
Policy**

Revisit policy on intervention in cases of flagrant cheating.

DCA



Long Term Policy Questions

- Should California transition to UBE? If not:
 - Implement CAPA recommendations on legal topics and competencies
 - Evaluate exam format to test competencies recommended by CAPA
- Should the bar exam cut score be reevaluated regardless of UBE transition?
- Topics to be tested outside of bar exam:
 - Without UBE transition, how to address training or testing needs for professional responsibility following CAPA's recommendations?
 - With UBE transition, development of a state-specific exam

