

OPEN SESSION AGENDA ITEM

704 OCTOBER 2017

DATE: September 29, 2017

TO: Members, Board of Trustees

FROM: Gayle Murphy, Director III, Admissions

SUBJECT: Delegation of Authority to Committee of Bar Examiners to Release Bar Examination Content Proposal for Public Comment and Content Validation Study for Publication

EXECUTIVE SUMMARY

During its October 13 and 14, 2017 meeting, the Committee of Bar Examiners (CBE) will be considering the California Bar Examination Content Validation Study, which has been prepared by the State Bar's psychometric consultant, and whether to propose revisions to the scope of subjects tested on the California Bar Examination (CBX) that could be circulated for public comment. The Content Validation Study assesses the alignment between the 2016 CBX and the National Conference of Bar Examiners' (NCBE) 2012 job analysis study, and involved a workshop during which a panel of subject matter experts evaluated the content of the examination, discussed their judgments, summarized these judgments, and how the content was represented on the examination. If the CBE takes action proposing to circulate revisions to the scope for public comment and accepts the Content Validation Study, it would be appropriate for the proposed action to be immediately circulated for public comment and to authorize publication of the report, which could be done by delegation of the Board of Trustees. The accelerated timeline is necessary in order to meet the Supreme Court's directive to report back to it on the California Bar Examination by December 1, 2017.

BACKGROUND

In response to a request from the Committee of Bar Examiners (CBE), the Board of Trustees approved the completion of three studies regarding the California Bar Examination (CBX) during its March 2017 meeting: 1) Standard-Setting Study; 2) Content Validation Study; and 3) Performance Study. The Standard-Setting Study was considered during the Board's September 2017 meeting; subsequently, the study was forwarded to the Supreme Court with a recommendation to the Court that it consider three different alternatives for the CBX pass line. The Performance Study is still in process. The final study is the Content Validation Study, which has now been completed. The Content Validation Study assesses the alignment between the 2016 CBX and the National Conference of Bar Examiners' (NCBE) 2012 job analysis study, and involved a workshop during which a panel of subject matter experts evaluated the content of the examination, discussed their judgments, summarized these judgments, and how the content was represented on the examination.

The CBE will be considering the Content Validation Study and recommendations from staff regarding the scope of the CBX during its meeting on October 13 and 14, 2017.

DISCUSSION

The accelerated timeline related to this request is necessary in order to meet the Supreme Court's directive to report back to it on the CBX by December 1, 2017. A full report on the study and recommendations from the CBE will be prepared and presented to the Board of Trustees during its November 2017 meeting.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK IMPACT

N/A

STRATEGIC PLAN GOALS & OBJECTIVES 2017-2022

Goal: 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

h: Conduct Bar Exam validity and pass line studies to determine whether or not additional changes to exam content, format, administration, or grading are needed, and implement needed changes.

BOARD COMMITTEE RECOMMENDATIONS

Staff recommends the Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees delegates to the Committee of Bar Examiners the authority to circulate proposed revisions to the scope of subjects tested on the California Bar Examination for public comment in preparation for submission of the Committee's recommendations to the Board for consideration during its November 2017 meeting; and it is

FURTHER RESOLVED, the Board delegates to the Committee of Bar Examiners the authority to authorize the publication of the California Bar Examination Content Validation Study.

ATTACHMENT(S) LIST

None