

# COMMITTEE OF BAR EXAMINERS

## OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: August 2018 – O-200

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### 2017 – 2018 Goals and Accomplishments Examinations Subcommittee (updated 08/2018)

1. Review and consider the report on the Content Validation Study for the California Bar Examination.

*At its October 2017 meeting, the Committee reviewed the report “Conducting a Content Validation Study for the California Bar Exam” prepared by Chad Buckendahl, Ph.D. and the two evaluations of the report prepared by independent consultants Mary J. Pitoniak, Ph.D. and Tracy A. Montez, Ph.D. The Committee directed that the report and evaluations be received and filed and also authorized their publication, subject to the Board of Trustees’ approval. The Committee further decided that its position that the current scope of subjects tested on the California Bar Examination not be modified at this time be reported to the Board of Trustees and the California Supreme Court; and that the Board of Trustees and the California Supreme Court be advised that the Committee supports conducting a California job analysis study. Such a study will assist in conducting a revised Content Validation Study that will inform further discussions of possible future changes to the content, development, format and grading of the examination.*

2. In conjunction with Subcommittee on Operations and Management, review reports on administration of the California First-Year Law Students’ Examination.

*Reports were reviewed as scheduled.*

3. Edit and approve final versions of the essay questions and select performance test questions for administration on California Bar Examinations.

*Questions were reviewed and approved as scheduled.*

4. Consider draft reports to the Supreme Court of California on February and July California Bar Examinations, which include analyses by psychometrician.

*July 2017 and February 2018 California Bar Examination reports were approved.*

5. In conjunction with the Subcommittee on Operations and Management, review reports on the administration of the California Bar Examination.

*Reports were reviewed as scheduled.*

6. After report is made to the Supreme Court on the studies on the bar examination that is due no later than December 1, 2017, consider next steps with regard to conducting additional studies relative to the content, format and scope of the California Bar Examination.

*On December 1, 2017, the State Bar's Executive Director, Leah T. Wilson, submitted the Final Report on the 2017 California Bar Exam Studies to the Chief Justice of the California Supreme Court. The report described the four separate studies that have been completed or are in progress: Recent Performance Changes in the California Bar Examination: Insights from CBE Electronic Databases (Performance Changes Study); Standard Setting Study for the California Bar Exam (Standard Setting Study); Content Validation Study for the California Bar Exam (Content Study); Law School Bar Exam Performance Study (Performance Study). All of these studies, except for the Performance Study, were completed before December 1, 2017. The completion of the Performance Study was delayed due to privacy and confidentiality concerns. It is anticipated that the study will be completed and a report provided for the Committee's review at its October 2018 meeting. New California Rule of Court 9.6(b) and Business and Professions Code section 6046.8, in combination, provide that, at least once every seven years, or whenever directed by the Supreme Court, the State Bar must conduct an evaluation and analysis of the validity of the California Bar Examination to determine if it properly tests for minimally needed competence for entry-level attorneys, which is to include a determination on whether to adjust the examination or the passing score. An immediate next step is to conduct a California-specific attorney job analysis study, to be followed by another content validation study.*

7. Review report prepared by Committee's psychometrician on the Two-Day Examination.

*At its May 2018 meeting, the Committee reviewed the report on "Analysis of the First Two-Day Administration of the California Bar Examination," prepared by Roger Bolus, Ph.D. and dated March 2, 2018, and directed that the report be received and filed and also authorized its publication.*

8. Training from Examination Development and Grading (EDG) Team Member: Grading Fundamentals.

*During its May 2018 meeting, the Committee met with EDG Team Member, Kathryn Meola, to receive training on and to discuss the basics of examination grading.*

9. Training from Performance Test Drafting Team Member: Performance Test Drafting 101 (Basics).

*During its August 2018 meeting, the Committee will meet with PT Drafting Team Member, Dennis Maio, to receive training on and to discuss the basics of performance test drafting.*

10. Continue to monitor the modified California Bar Examination in order to provide the State Bar's Board of Trustees with a status report after the new examination format has been administered for two years to determine whether there are any problems or disparities.

*At the Board of Trustees' May 2018 meeting, staff from the Office of Admissions provided the Board's Programs Committee with a status update on the first administration of the modified California Bar Examination and presented a summary of the key findings from the "Analysis of the First Two-Day Administration of the California Bar Examination," report by Roger Bolus, Ph.D. dated March 2, 2018. After the results of the February 2019 California Bar Examination are published, the Committee will request that its psychometrician evaluate the results of the modified examination on pass rates and costs, including an analysis of any problems or disparities. The Board of Trustees will be apprised of the findings and provided with a status report.*

11. Consider petitions seeking waivers of the Committee's examinations related policies, procedures and rules.

*Such petitions were considered as they were submitted by staff for review.*

12. Review appeals from applicants with disabilities who are appealing Director, Admissions, decisions relative to their requests for testing accommodations.

*Testing accommodations appeals were considered and decided by the full Committee in connection with the regularly scheduled meetings of the Committee and by the Examinations Subcommittee, as duly delegated, in connection with the regularly scheduled conference call meetings of the Examinations Subcommittee between meetings of the Committee.*