



The State Bar of California

OPEN SESSION AGENDA ITEM AUGUST, 2019 COMMITTEE OF BAR EXAMINERS ITEM O-200

DATE: August 14, 2019

TO: Members, Committee of Bar Examiners

FROM: Lisa Jeong Cummins, Program Manager III, Examinations

SUBJECT: Discussion of 2018 - 2019 Examinations Goals and Accomplishments

1. 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.

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

July 2018 and February 2019 California Bar Examination reports were approved.

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

Reports were reviewed as scheduled.

4. Consider report prepared by psychometrician related to law school performance and performance on the bar examination.

At its February 2019 meeting, the Committee reviewed the report from the study released in December 2018 entitled "Performance Changes on the California Bar Examination: Part 2," which built upon the 2017 study, "Recent Performance Changes on the California Bar Examination" examining the decline in bar passage rates, and which merged student credentials with bar performance data to identify factors that potentially contribute to the decline.

5. Consider next steps with regard to conducting additional studies relative to the content, format and scope of the California Bar Examination, including the California Job Analysis Study and other studies as mandated by the California Supreme Court.

The California-specific job analysis study, i.e., the California Attorney Practice Analysis (CAPA), commenced in December 2018 and is ongoing. It is scheduled for completion at the end of 2019 with the issuance of a final report. The study is being conducted by Castle Worldwide and funded by a grant from the AccessLex Institute. Preliminary findings will be discussed at the August, 2019 CBE Meeting.

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

Reports were reviewed as scheduled.

7. Implement Appendix I recommendations relative to Examinations, to include evaluation of sampling for bar exam questions and an evaluation of the grading process.

Implementation of the Appendix I recommendations regarding Examination Development and the grading process for the California Bar Examination is ongoing. A proposed sampling plan for selection of examination questions being developed by the State Bar's Office of Research and Institutional Accountability (ORIA), as well as a report by the Committee's psychometrician, Roger Bolus, Ph.D., regarding the grading process for the exam, will most likely be presented to the Committee at its December 2019 meeting.

8. Training from State Bar Staff on the Processing of Testing Accommodations Petitions and on Substantive Issues Concerning Evaluating Testing Accommodations Petitions.

During its June 2019 meeting, the Committee received training from the State Bar Staff on the processing of testing accommodations petitions. At its August 2019 meeting, staff will provide a status report on the action items requested by the Committee following staff's June 2019 presentation. Training on substantive issues concerning the evaluation of testing accommodations petitions from an expert will be provided during the 2020 Committee year.

9. Consider proposals on ways to reduce the time it takes to release results for the California Bar Examination.

This will be one of the items to be analyzed in a report to be prepared by the Committee's psychometrician, Roger Bolus, Ph.D., as part of the implementation of the Appendix I recommendation to review the grading process for the California Bar Examination. Upon completion of the report at the end of 2019, review by the Committee will be agendaized for a future Committee meeting in 2020.

10. Review report to be prepared by the Committee's psychometrician on the impact of the modified (2-Day) California Bar Examination, as requested by the Board of Trustees to be done after the new examination format has been administered for two years to determine whether there are any problems or disparities.

After the first administration of the modified (2-Day) California Bar Examination (CBX), the Committee's psychometrician, Roger Bolus Ph.D., presented his report, "Analysis of the First Two-Day Administration of the California Bar Examination," dated March 2, 2018, to the Committee. Dr. Bolus is in the process of finalizing his updated report, to encompass four administrations of the CBX (July 2017, February 2018, July 2018, and February 2019), and will present that report to the Committee at its October 2019 meeting. In conjunction with Dr. Bolus' report, the State Bar's Office of Finance will provide a report on the financial and budgetary impacts of the transition to the modified (2-Day) CBX.

11. Continue to monitor the modified California Bar Examination in order to determine whether there are any problems or disparities.

This process is ongoing and will continue to be placed on the Examinations Subcommittee Goals for the foreseeable future.

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

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

13. Review appeals from applicants with disabilities who are appealing Director for 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.