



The State Bar of California

OPEN SESSION AGENDA ITEM O-202 AUGUST 2020 COMMITTEE OF BAR EXAMINERS

DATE: August 21, 2020

TO: Members, Committee of Bar Examiners

FROM: Lisa J. Cummins, Program Manager III, Examinations

SUBJECT: Approval of 2019-2020 Examinations Goals

EXECUTIVE SUMMARY

Below are the Examinations Subcommittee goals and accomplishments in 2019-2020 for the Committee's approval.

BACKGROUND

The Examinations Subcommittee goals for 2019 to 2020, as previously approved by the Committee of Bar Examiners (CBE), are listed below together with a summary of accomplishments toward those goals.

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 2019 and February 2020 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.

The October 2019 First-Year Law Students' Examination Report was reviewed as scheduled. The June 2020 First-Year Law Student's Examination Report will be reviewed at the Committee's October 2020 meeting.

4. 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 the final report of the CAPA Working Group was issued on May 11, 2020. The study was conducted by Castle Worldwide/Scantron and funded by a grant from the AccessLex Institute. Three additional studies relating to the California Bar Examination were conducted and reviewed by the Committee in 2020: Differential Item Functioning (DIF) Analysis Report, conducted by Scantron; Review of the California Bar Examination Administration and Associated Components, conducted by the California Department of Consumer Affairs; and Report on the Grading of the California Bar Examination, conducted by Roger Bolus, Ph.D.

5. Review report 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 prepared his follow-up report, encompassing four administrations of the CBX (July 2017, February 2018, July 2018, and February 2019), titled "Report on the Impact of the Modification of the California Bar Examination from a Three-Day to a Two-Day Format and dated August 31, 2019. Dr. Bolus presented that report to the Committee at its December 2019 meeting.

6. Consider report on recommended best practices in examination administration and examination grading prepared by the California Department of Consumer Affairs.

At its April 2020 meeting, the Committee reviewed and considered the report of the study conducted by the California Department of Consumer Affairs, titled "Review of the California Bar Examination Administration and Associated Components" and dated January 2020.

7. Review and consider proposals on ways to reduce the time it takes to release results for the California Bar Examination. Review and consider report prepared by the Committee's psychometrician, as part of the implementation of the Appendix I recommendation to evaluate the grading process for the California Bar Examination. If appropriate, consider and decide whether to implement any changes to the Committee's grading policies, processes, or procedures.

At its April 2020 meeting, the Committee reviewed and considered the "Report on the Phased Grading of the California Bar Examination: A Profile of Recent Results and Modeling the Impact of Alternative Approaches," prepared by Roger Bolus, Ph.D. and dated April 9, 2020. Based on Dr. Bolus's report, the Committee directed State Bar Staff to implement three changes to the Committee's grading processes for the California Bar Examination as soon as practicable (i.e., eliminate Phase III grading; compress the regrade band for Phase II grading; and add graders to each California Bar Examination question grading team).

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

The report on the administration of the February 2020 California Bar Examination was reviewed at the Committee's April 2020 meeting as scheduled. Since the July 2020 California Bar Examination has been postponed to October 2020 by the Supreme Court due to the COVID-19 pandemic, the report on the administration of that examination administration will be given at the Committee's December 2020 meeting.

9. Receive final report prepared for the California Attorney Practice Analysis (CAPA).

At its June 2020 meeting, the Committee reviewed and considered the final report of the California Attorney Practice Analysis Working Group, entitled "The Practice of Law in California: Findings from the California Attorney Practice Analysis and Implications for the California Bar Exam," dated May 11, 2020.

10. Training from Subject Matter Expert on Substantive Issues Concerning Evaluating Testing Accommodations Petitions.

During its June 2020 meeting, the Committee received training from Benjamin Lovett, Ph.D. on substantive issues concerning the evaluation of testing accommodations petitions.

11. Review and consider report on proposed sampling plan for selection of California Bar Examination question subjects, as part of the implementation of the Appendix I recommendation to develop such a plan. If appropriate, consider and decide whether to implement proposed sampling plan.

At its June 2020 meeting, the Committee reviewed and considered the "Report on Proposed Sampling Plan for Selection of California Bar Examination Question

Subjects,” dated June 19, 2020. The decision by the Committee on whether to adopt a sampling plan for selection of California Bar Examination question subjects was deferred until the Blue Ribbon Commission has determined the format, content and scope for development and implementation of the new bar exam of the future.

12. In conjunction with Operations and Management, consider report prepared by the State Bar’s Office of Finance on the financial and budgetary impacts of the transition to the modified (2-Day) California Bar Examination.

To be presented at the Committee’s August 2020 meeting.

13. Training from State Bar Staff on the Phased Grading System for the California Bar Examination.

Deferred to the 2020-2021 Committee year.

14. 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.

15. 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.

16. 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.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None - Core business operations

RECOMMENDATIONS

It is recommended that the Committee of Bar Examiners approve the 2019 – 2020 Examinations Subcommittee goals and accomplishments set forth above.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with staff recommendation, the following motion should be made:

MOVE, that the 2019 – 2020 Examinations Subcommittee goals and accomplishments be approved.