



**OPEN AGENDA
AGENDA ITEM O-100
APRIL 2021
DIFFERENTIAL ITEM FUNCTIONING ANALYSIS WORKING GROUP**

OPEN SESSION MINUTES

**THE DIFFERENTIAL ITEM FUNCTIONING ANALYSIS WORKING GROUP OF
THE STATE BAR OF CALIFORNIA**

April 14, 2021

Zoom Meeting
State Bar of California Offices

A zoom meeting of the Differential Item Functioning Analysis Working Group of The State Bar of California was convened in open session at 11:00 a.m. Wednesday, April 14, 2021, Bethany Peak and Sal Torres, Co-Chairs,

Members present were Heather Anderson Haynes, Coalition on Access and Fairness, Alex Chan, Committee of Bar Examiners, Bethany Peak, Committee of Bar Examiners, Chalak Richards, Coalition on Access and Fairness, Sal Torres, Coalition on Access and Fairness,

Staff Present: Amy Nunez, Program Director III, Admissions, Lisa Cummins, Program Manager III, Admissions, Caroline Holmes, Assistant General Counsel, Doan Nguyen, Program Manager, Coalition on Access and Fairness, Elizabeth Hom, Program Manager, Coalition on Access and Fairness, Ronald Pi, Principal Program Analyst, Office of Research and Institutional Accountability, Heidi Schwab-Wilhelmi, Program Specialist, Admissions

Co-Chairs, Bethany Peak and Sal Torres, called the meeting to order. Roll was called.

DIF Members in attendance: Alex Chan, Heather Anderson Haynes, Chalak Richards, Bethany Peak, Sal Torres. A quota was present.

Motion was made to accept the roll call. Alex Chan and Bethany Peak seconded the motion.

There was no public comment.

- I. Sarah Mastrianni and Chaitali Phadke, Scanton, presented on "Differential Item Functioning Analysis Bias and Sensitivity Training."
- II. After presentation, DIF working group members and staff presented feedback. One suggestion was to implement a DIF analysis at different steps of the examination development process. For example, a DIF analysis could be performed at the drafting

and pretesting stages. A DIF analysis could also be executed prior to the test questions being finalized. COAF staff offered that the grader application has been modified to capture demographic data. The goal is to recruit graders from diverse backgrounds. Graders form the pool from which the pre testers are selected.

- III. Another suggestion was to conduct interviews of bar exam test takers. These takers would be interviewed after they completed their respective bar exams. These test takers could be regarded as “focus groups.”
- IV. Concerns were raised about out -of -state test takers. The California Bar Exam essays test on community property, evidence, and civil Procedure. Thus, applicants need to be familiar with the California rules of community property, civil procedure, and evidence. Out-of-state test takers may not be enrolled in California bar exam preparatory courses, which emphasize that knowledge of these three substantive areas is important.
- V. The working group also questioned whether non-ABA law schools provide sufficient bar examination support
- VI. The next step is to look at the questions themselves. A suggestion was made to break the DIF working group members into smaller groups. Each sub-group would be responsible for reviewing its own questions and to report back on its findings.
- VII. The working group is tasked with developing a list of recommended implementations to reduce DIF.
- VIII. The Working Group Coordinator will poll the working group and staff to arrive at mutually convenient times to meet.

Meeting Adjourned at 12:30PM

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