



# Profiling the Outcomes on the FYLSX

---

AN STUDY OF EXAMINEE  
PERFORMANCE AND OPPORTUNITIES  
FOR PROGRAM IMPROVEMENTS

# Presentation Outline

- I. The First-Year Law Students' Examination: Its History & Purpose**
- II. Composition, Scoring & Decision Rules**
- III. Research Questions & Study Data**
- IV. Key Findings**
- V. Considerations for Modification**
- VI. Related Projects**

# I. The First-Year Law Students' Examination (FYLSE)

## The History

- Unqualified students not eliminated in many unaccredited law schools \*
- Only after failing CBX after years of study did students realize they would never qualify for admission to the bar \*
- Officially instituted in 1935
- Authorized by Business & Professions Code section 6060(h)

## The Purpose \*\*

- Apprise students attending unaccredited schools of their potential for eventually becoming lawyers
- Curb recruiting abuses by unaccredited law schools
- Protect persons from continuing to spend time, money and effort in pursuit of profession for which they are not qualified
- Aid qualified persons in judging the quality of training and education they are receiving in preparation for the bar exam

\* A Report of President's Advisory Committee to the Board of Governors of The State Bar (1933)

\*\* *Bible v. Committee of Bar Examiners*, 26 Cal.3d 548 (1980); *Lupert v. California State Bar*, 761 F.2d 1325 (1985)

## II. The FYLSX: Current Composition

- A one-day, remotely administered and proctored, examination consisting of two parts
  - Written Section
    - 4 Essay questions
    - Administered in the morning
    - 4 hours – 1 hr. per question
  - Multiple-Choice Section
    - 100 total items
    - Administered in the afternoon
    - 3 hours – 50 items per 90-minute session X 2
- Administered 2x a year in June & October
- Subject area coverage
  - Contracts
  - Criminal Law
  - Torts
- Current format has been in place since 1999

## II. The FYLSX: Written Section

- Each administration has unique essay questions written & graded by State Bar staff and consultants
- Graded on a 40-to-100 point scale
  - Grading in 5-point increments
  - Similar to the General Bar Examination
- Each of the subject matter areas are covered by one or more of the questions
- About three months after examination, the questions are released to the public along with 2 answers from high scoring applicants

## II. The FYLSX: Multiple-Choice Section

- Five 100-item forms have been used since 1999 (some item overlap between forms)
- Current item set developed between 1996 and 1998
- Since 2000, each form has been used 8 to 9 times
- Each form has roughly equivalent number of items covering Contracts, Criminal Law & Torts
- Over 400 unique items in the current item bank; 200+ new items have been developed but not tested until this year
- During the last two administrations, 50 of the new items have been pilot tested
- Each form contains a different set of 20 to 25 “equating” items
  - Equating items used to “anchor” tests
  - Equating designed to insure comparability of scores between forms and over time

## II. The FYLSX: Scoring

1. Raw Essay Score = Sum of 4 questions (Max of 400 points)
2. Raw MC Score = Sum of 100 items (Max of 100 points)
3. Scale MC Score (Max of 400 points)
  - a) “Equating” items are compared to same items on base 1998 form and other recent administrations of the same form
  - b) Adjustment made for differences in difficulty over time and between forms
  - c) Places raw MC score on a different scale of measurement (from 0 to 400 max)
4. Scale Essay Score (Max of 400 points)
  - a) Raw essay score placed on the same scale of measurement as the Scaled MC Score
  - b) Statistically, allows the Essay to have the same weighting as the MC
5. Scale Total Score (Max of 800)
  - a) *Essay and MC are equally weighted (50 % + 50%)*
  - b) Total Scale Score = Essay Scale Score + MC Scale Score

## II. The FYLSX: Decision Rules

- Initial Decision

- Scaled Total Score  $\geq 560$  (70%) -> Pass \*
- Scaled Total Score  $\leq 540$  -> Fail
- Scaled Total Score between these values -> Reappraisal

- Reappraisal Procedure

- The grading leader is provided with all raw and scale scores from initial grading
- The grading leader also given a calculation of the number of additional raw written points needed to achieve a passing score
- Grading Leader reviews each answer and then makes a final overall “Pass” vs. “Fail” decision

*\* Note: Cut score on the FYLSX established in 1999 to insure that the new scoring at the time would pass the same percentage of examinees as before the new version was implemented*



### III. Research Project: Policy Issues

1. The viability of the current FYLSX testing structure, i.e., use of a multiple-choice component and a written component.
2. The continuing requirement for a reappraisal phase during the grading and scoring process
3. The appropriateness of the scoring methods including the current component weighting rules; i.e., each component gets 50% weighting.
4. The appropriateness of the current FYLSX passing standard of 560 scale points, established almost 30 years ago.
5. The possibility of providing additional *statistical results to the public* that could aid students in their decision-making process to continue law school, and eventually take the GBX.

### III. Research Project: Specific Research Questions

#### *1. How have examinees performed on the FYLSX over time?:*

- How many examinees have sat for the FYLSX
- How has performance on the FYLSX changed
- To what degree has performance differed by the type of law school and demographic composition of the population of test takers?

#### *2. What was the subsequent FYLSX experience for examinees who failed the FYLSX on their first attempt?:*

- How many additional attempts would they make?
- What were their eventual outcomes?
- How much improvement was made on their subsequent attempts?
- To what degree were subsequent outcomes related to student demographics or the law school they attended?

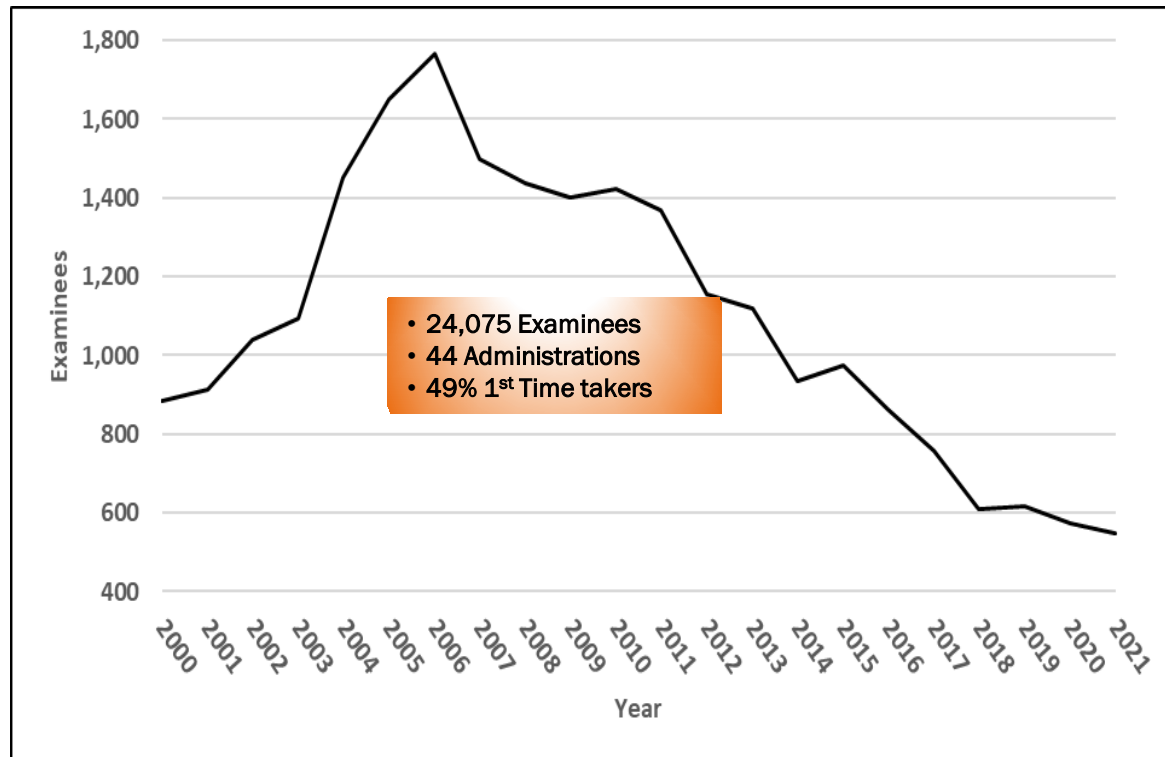
### III. Research Project: Specific Research Questions (Cont.)

#### 3. What was the GBX experience for examinees who took the FYLSX?

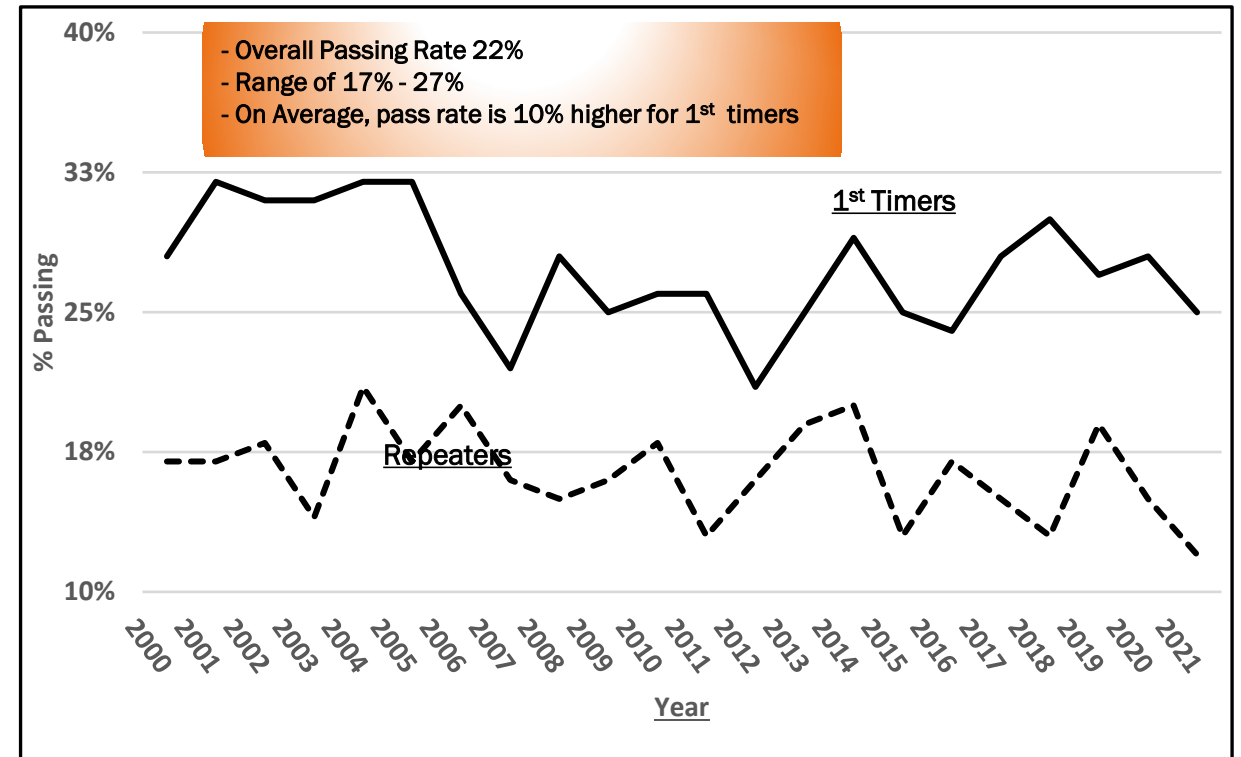
- How many examinees eventually sat for the GBX?
- How many attempts did it take them to eventually pass the GBX?
- To what degree was performance on the FYLSX related to eventual performance on the GBX?
- To what degree was examinees' GBX performance influenced by the type of law school attended or demographic characteristics?
- Was it possible to accurately predict who would eventually pass the GBX based on their FYLSX performance?
- How might these results have changed if the historic GBX passing standards of 1440 were reset to the current 1390 level?

# FYLSX Test-Takers 2000-2021

## NUMBER OF TEST-TAKERS



## PASSING RATES



### III. Research Project: Study Data Selection

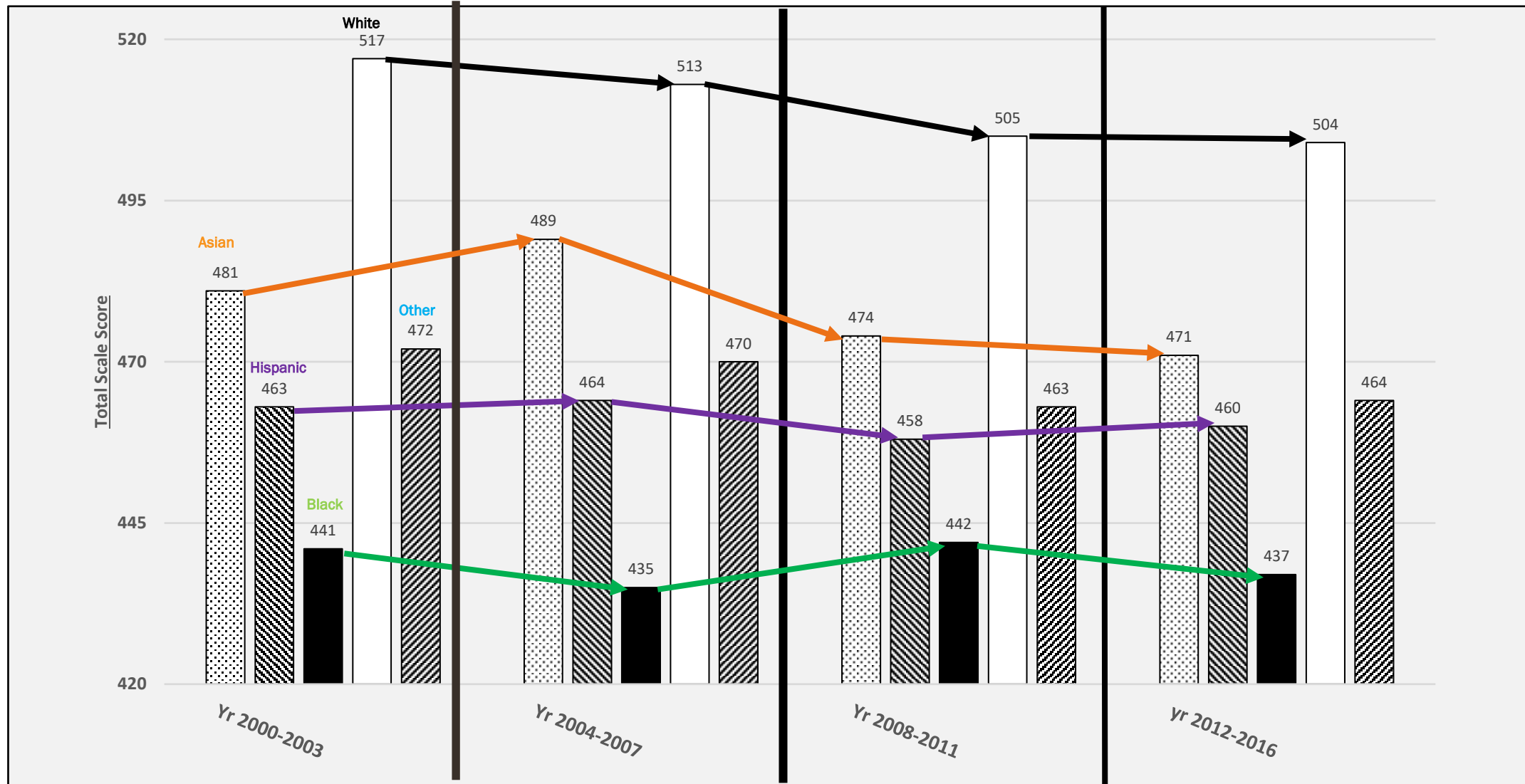
- Study focused on 1<sup>st</sup> time takers
- Each test taker “tracked” forward in time (i.e., longitudinally)
- Follow-up period of 10 subsequent administrations for each test taker
  - E.g., June 2000 test takers tracked through October 2005 examination
  - 99% made 8 or less attempts
- Resulting final sample consisted of 34 unique cohorts of 10,340 test takers
- Final study cohort took first FYLSX for first time in October 2016
  - Provided sufficient time to gather experience on General Bar Exam (GBX)

## IV. Key Findings

### III. Research Project: Composition of Study Sample

|                                | FYLX Examination Period |                        |                        |                        |                     |
|--------------------------------|-------------------------|------------------------|------------------------|------------------------|---------------------|
| Category                       | 2000-2003<br>(N=2,168)  | 2004-2007<br>(N=3,223) | 2008-2011<br>(N=2,686) | 2012-2016<br>(N=2,263) | Total<br>(N=10,340) |
| <b><u>Race/Ethnicity</u></b>   |                         |                        |                        |                        |                     |
| Asian                          | 9%                      | 10%                    | 11%                    | 10%                    | 10%                 |
| Hispanic                       | 9%                      | 10%                    | 12%                    | 15%                    | 11%                 |
| Black                          | 11%                     | 10%                    | 13%                    | 12%                    | 11%                 |
| White                          | 57%                     | 57%                    | 51%                    | 49%                    | 54%                 |
| Other                          | 5%                      | 6%                     | 8%                     | 8%                     | 7%                  |
| Missing                        | 9%                      | 7%                     | 6%                     | 6%                     | 7%                  |
| <b><u>Gender</u></b>           |                         |                        |                        |                        |                     |
| Male                           | 58%                     | 59%                    | 54%                    | 53%                    | 56%                 |
| Female                         | 36%                     | 39%                    | 42%                    | 44%                    | 40%                 |
| Missing                        | 6%                      | 2%                     | 4%                     | 3%                     | 4%                  |
| <b><u>School</u></b>           |                         |                        |                        |                        |                     |
| ABA                            | 6%                      | 6%                     | 6%                     | 5%                     | 6%                  |
| Accredited                     | 8%                      | 6%                     | 6%                     | 5%                     | 6%                  |
| Unaccredited                   | 82%                     | 86%                    | 86%                    | 87%                    | 85%                 |
| <i>Correspondence</i>          | 24%                     | 19%                    | 24%                    | 27%                    | 23%                 |
| <i>Distance Learning</i>       | 36%                     | 51%                    | 46%                    | 42%                    | 45%                 |
| <i>Fixed-Facility</i>          | 22%                     | 16%                    | 16%                    | 18%                    | 18%                 |
| Other                          | 3%                      | 2%                     | 2%                     | 4%                     | 2%                  |
| <b><u>No. of Attempts</u></b>  |                         |                        |                        |                        |                     |
| 1 Attempt                      | 56%                     | 52%                    | 53%                    | 51%                    | 53%                 |
| 2 Attempts                     | 22%                     | 24%                    | 23%                    | 25%                    | 24%                 |
| 3 Attempts                     | 12%                     | 12%                    | 13%                    | 13%                    | 12%                 |
| 4 Attempts                     | 4%                      | 6%                     | 5%                     | 5%                     | 5%                  |
| 5 or more                      | 6%                      | 6%                     | 6%                     | 6%                     | 6%                  |
| <b><u>Type of Examinee</u></b> |                         |                        |                        |                        |                     |
| Regular                        | 87%                     | 90%                    | 90%                    | 93%                    | 90%                 |
| Disqualified                   | 11%                     | 9%                     | 9%                     | 6%                     | 9%                  |
| Special                        | 2%                      | 1%                     | 1%                     | 1%                     | 1%                  |

# Average FYLSX Scores By Racial Ethnic Groups 2000 - 2016





# Initial Passage Rates for 1<sup>st</sup> Time Test Takers by Year

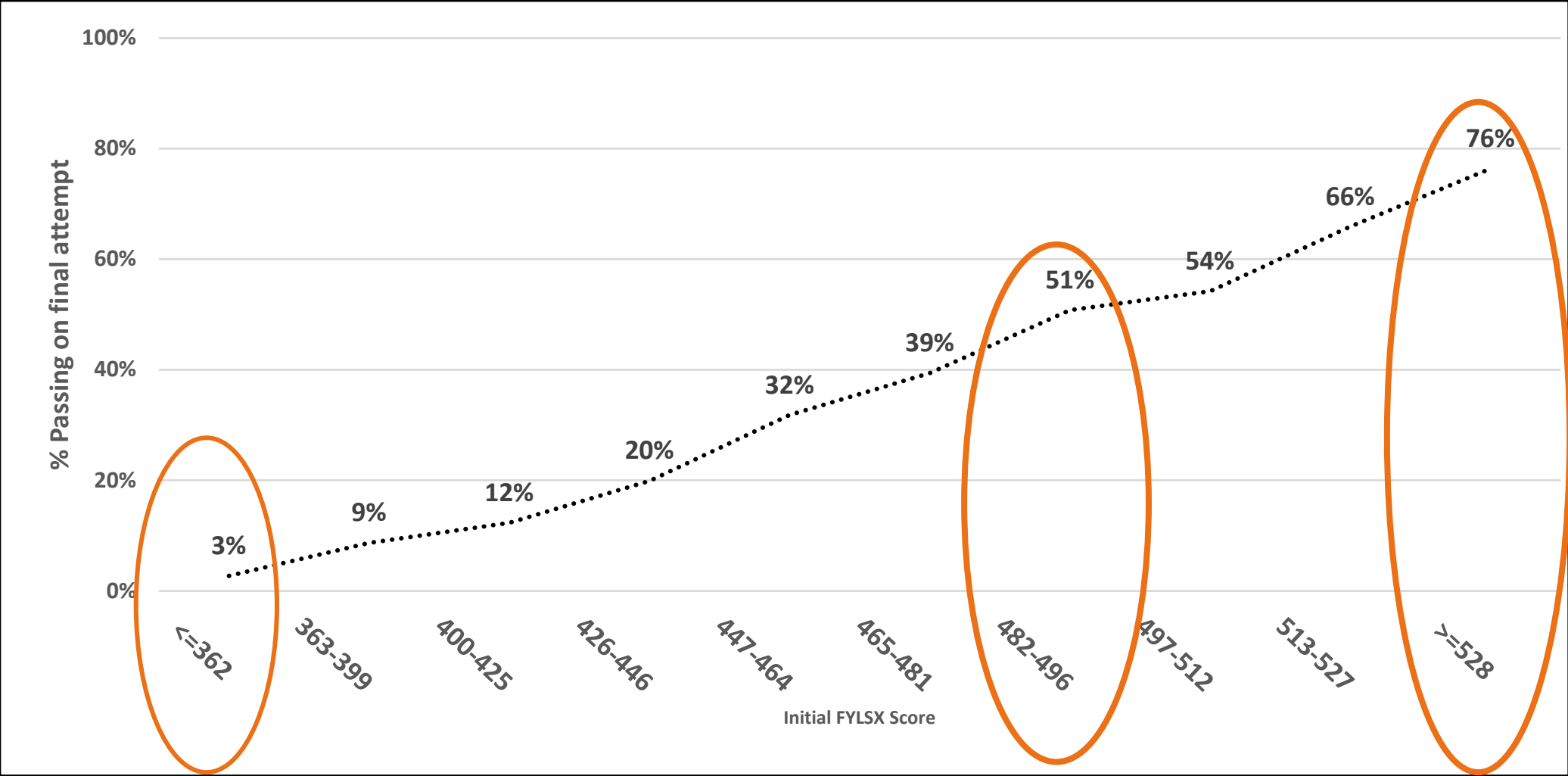
## 2000-2016

|                    | -                |                  |                  |                  |                  |
|--------------------|------------------|------------------|------------------|------------------|------------------|
| <b>Category</b>    | <b>2000-2003</b> | <b>2004-2007</b> | <b>2008-2011</b> | <b>2012-2016</b> | <b>All Years</b> |
| <b>Overall</b>     | 30%              | 28%              | 26%              | 25%              | 27%              |
| <b>Race</b>        |                  |                  |                  |                  |                  |
| Asian              | 27%              | 27%              | 27%              | 20%              | 26%              |
| Hispanic           | 21%              | 17%              | 19%              | 18%              | 18%              |
| Black              | 11%              | 6%               | 11%              | 8%               | 9%               |
| White              | 39%              | 36%              | 35%              | 34%              | 36%              |
| Other              | 21%              | 20%              | 17%              | 23%              | 20%              |
| Missing            | 18%              | 22%              | 10%              | 13%              | 16%              |
| <b>Gender</b>      |                  |                  |                  |                  |                  |
| Male               | 33%              | 30%              | 30%              | 27%              | 30%              |
| Female             | 28%              | 27%              | 24%              | 23%              | 25%              |
| Missing            | 15%              | 6%               | 3%               | 11%              | 9%               |
| <b>School</b>      |                  |                  |                  |                  |                  |
| ABA                | 16%              | 27%              | 25%              | 13%              | 21%              |
| Accredited         | 21%              | 12%              | 10%              | 10%              | 14%              |
| Unaccredited       | 33%              | 30%              | 28%              | 26%              | 29%              |
| <i>Correspond.</i> | 38%              | 31%              | 33%              | 29%              | 32%              |
| <i>Distance</i>    | 37%              | 33%              | 27%              | 27%              | 31%              |
| <i>Fixed</i>       | 20%              | 18%              | 20%              | 20%              | 22%              |
| Other              | 19%              | 20%              | 21%              | 25%              | 22%              |
| <b>Type</b>        |                  |                  |                  |                  |                  |
| Regular            | 32%              | 29%              | 27%              | 26%              | 28%              |
| Disqualified       | 11%              | 17%              | 16%              | 12%              | 14%              |
| Special            | 56%              | 43%              | 50%              | 28%              | 45%              |

## “Eventual” FYLSX Outcomes

- **73%** (N=7,504) failed on initial attempt
- Roughly, **2/3** (N=4,873) of those who failed attempted the FYLSX again
- Some examinees persevered more than others
  - 50% had 1 extra attempt
  - 26% had 2 attempts
  - 24% had 3 or more attempts
- **74%** of those repeating the FYLSX showed some gain; Median improvement was 39 points
- Very **little difference** in improvement throughout the score range
- Statistical modeling showed that gains did not vary by ethnicity, gender or type of legal education
- Scores on 1<sup>st</sup> and follow up attempts on the **MC portion correlated more highly (r=.74) than on the essay (r=.46)**

# Relationship between Initial FYLSX scores & Eventual Passing Rate: Examinees Making a Subsequent Attempt



## Comparison of Final FYLX Outcomes Obtained in the Previous Study\* to Current Study

| <b>Group</b>          | <b>% of Sample</b> |                | <b>Multiple Choice</b> |                | <b>Essay</b>    |                | <b>Total</b>    |                |
|-----------------------|--------------------|----------------|------------------------|----------------|-----------------|----------------|-----------------|----------------|
|                       | <b>Previous</b>    | <b>Current</b> | <b>Previous</b>        | <b>Current</b> | <b>Previous</b> | <b>Current</b> | <b>Previous</b> | <b>Current</b> |
| <b><u>Passed</u></b>  | 44%                | 44%            |                        |                |                 |                |                 |                |
| <b>1 Attempt</b>      | 30%                | 27%            | 296                    | 296            | 302             | 303            | 599             | 599            |
| <b>&gt; 1 Attempt</b> | 14%                | 17%            | 284                    | 284            | 293             | 292            | 578             | 577            |
| <b><u>Failed</u></b>  | 56%                | 55%            |                        |                |                 |                |                 |                |
| <b>1 Attempt</b>      | 27%                | 30%            | 228                    | 223            | 225             | 218            | 452             | 441            |
| <b>&gt; 1 Attempt</b> | 29%                | 25%            | 221                    | 214            | 220             | 212            | 441             | 425            |
| <b><u>Total</u></b>   | 100%               | 100%           | 254                    | 251            | 256             | 252            | 510             | 503            |

\* Klein & Bolus (2010)

# GBX Outcomes

# Comparison of all FYLSX Takers to Those Subsequently Taking the GBX

| <u>Category</u>       | <u>All FYLX 1st Time Takers</u><br>(N=10,340) | <u>Eventual GBX Takers</u><br>(N=3,616) |
|-----------------------|---|---|
| <b>Overall</b>        | <b>100%</b>                                   | <b>35%</b>                              |
| <b>Exam Period</b>    |   |   |
| 2000-2003             | 21%   | 22%                                     |
| 2004-2007             | 31%   | 33%                                     |
| 2008-2011             | 26%   | 25%                                     |
| 2012-2016             | 22%   | 20%                                     |
| <b>Race/Ethnicity</b> |   |   |
| Asian                 | 10%   | 11%                                     |
| Hispanic              | 11%   | 10%                                     |
| Black                 | 11%   | 6%                                      |
| White                 | 54%   | 62%                                     |
| Other                 | 7%  | 6%                                      |
| Missing               | 8%  | 5%                                      |
| <b>Gender</b>         |   |   |
| Male                  | 56%   | 59%                                     |
| Female                | 40%   | 38%                                     |
| Missing               | 4%  | 3%                                      |
| <b>School</b>         |   |   |
| ABA Accredited        | 6%  | 7%                                      |
| Unaccredited          | 6%  | 6%                                      |
| Correspondence        | 85%   | 83%                                     |
| Distance Learning     | 23%   | 21%                                     |
| Fixed-Facility        | 45%   | 44%                                     |
| Other                 | 18%   | 18%                                     |
|                       | 2%  | 3%                                      |

## “Eventual” GBX Outcomes for FYLSX takers

- 71% failed on initial attempt
- Initial GBX pass rates for the FYLSX takers were less than half the rate of all 148,222 1<sup>st</sup> time takers (29% vs 62%)\*
- 83% of the failing applicants opted to retake the GBX
- 80% of those repeating the GBX showed some gain; Median improvement was **77** points
- The eventual passage GBX passage rate was 57%; twice as high as the initial pass rate
- At the current 1390 GBX standard, the initial and eventual passage rates would have been 37% and 62%
- After correction for “attenuation” FYLSX scores correlated .70 with GBX scores; relationship much stronger on the MC section than on the essay section.

\* 62% inclusive of FYLSX takers

## Prediction of Students Final GBX Outcomes Based upon Final FYLSX Scores

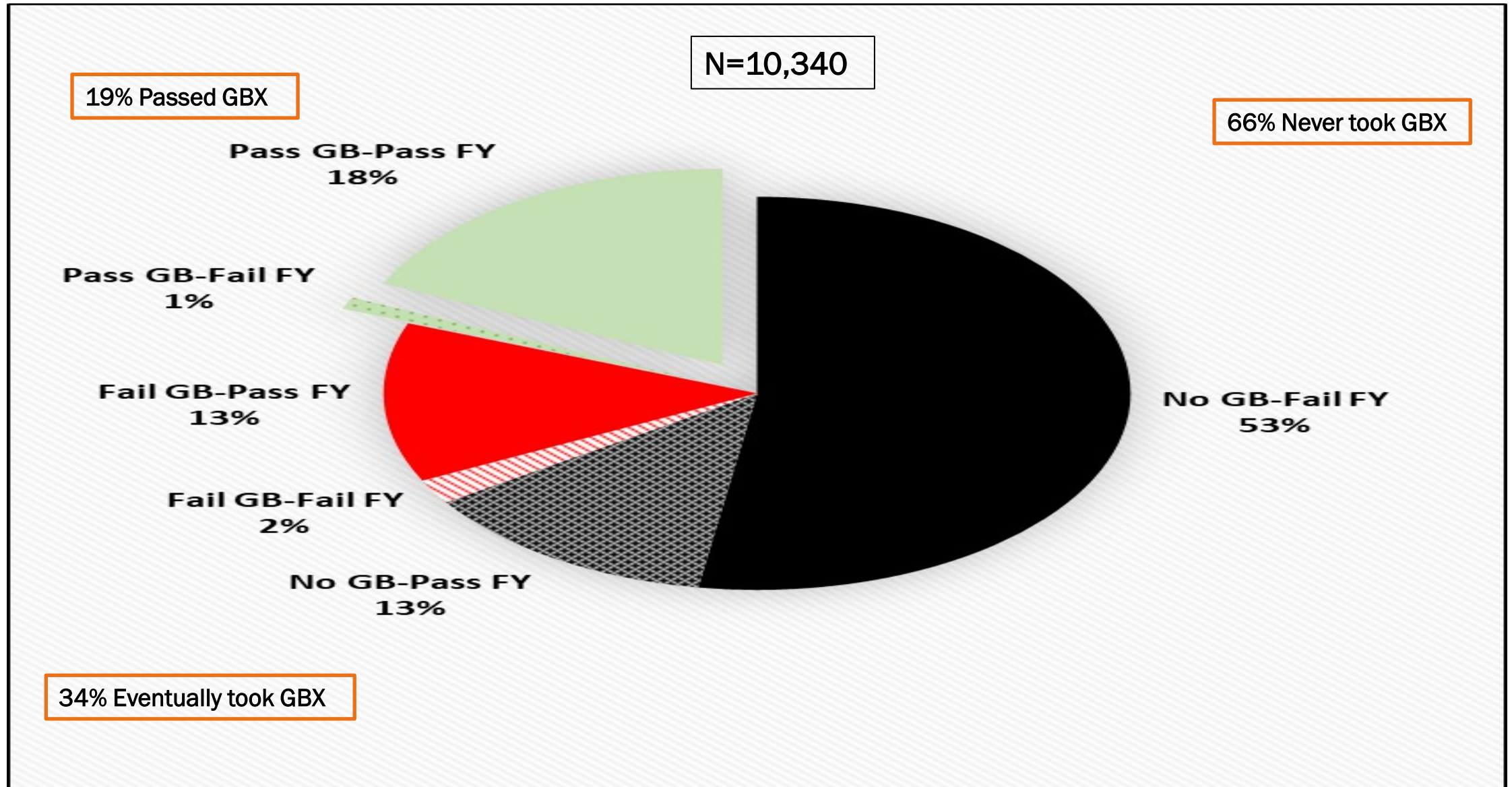
|                   |          |                                  | 1440 Standard           |                            | 1390 Standard           |                            |
|-------------------|----------|----------------------------------|-------------------------|----------------------------|-------------------------|----------------------------|
| <u>FYLY Score</u> | <u>N</u> | <u>% of all FYLY test takers</u> | <u>Actual Pass Rate</u> | <u>Predicted Pass Rate</u> | <u>Actual Pass Rate</u> | <u>Predicted Pass Rate</u> |
| 541-560           | 725      | 7.0%                             | 41%                     | 39%                        | 47%                     | 45%                        |
| 561-580           | 820      | 7.9%                             | 49%                     | 50%                        | 55%                     | 56%                        |
| 581-600           | 589      | 5.7%                             | 60%                     | 61%                        | 64%                     | 67%                        |
| 601-620           | 434      | 4.2%                             | 70%                     | 71%                        | 77%                     | 76%                        |
| 621-640           | 275      | 2.7%                             | 79%                     | 79%                        | 84%                     | 83%                        |
| 631-660           | 198      | 1.9%                             | 88%                     | 85%                        | 89%                     | 89%                        |
| 661-680           | 102      | 1.0%                             | 89%                     | 90%                        | 91%                     | 92%                        |
| 681-700           | 60       | 0.6%                             | 92%                     | 93%                        | 95%                     | 95%                        |
| > 700             | 45       | 0.4%                             | 98%                     | 98%                        | 98%                     | 98%                        |



# Prediction of Students' Final GBX Pass Rate For Different Racial/Ethnic Groups & Law Schools at Varying FYLSX Scores

| <u>Group</u>           | <u>Final FYLSX Scores</u> |            |            |
|------------------------|---------------------------|------------|------------|
| <u>Race/Ethnicity*</u> | <u>540</u>                | <u>560</u> | <u>580</u> |
| Asian                  | 36%                       | 47%        | 58%        |
| Hispanic               | 32%                       | 42%        | 53%        |
| Black                  | 28%                       | 38%        | 49%        |
| White                  | 43%                       | 54%        | 65%        |
| <u>School Type</u>     |                           |            |            |
| ABA                    | 83%                       | 88%        | 92%        |
| Accredited             | 37%                       | 48%        | 59%        |
| Unaccredited           |                           |            |            |
| Correspondence         | 25%                       | 35%        | 45%        |
| Distance Learning      | 31%                       | 41%        | 52%        |
| Fixed-Facility         | 36%                       | 47%        | 58%        |

Summary of Eventual FYLSX & GBX Outcomes  
for Examinees Taking the FYLSX for the 1<sup>st</sup> Time  
2000 - 2016



## V. Considerations for Modification of the FYLSX

- The Essay Section
- The Reappraisal Process
- The Passing Score

# Considerations for the FYLSX Essay Section

---

## 1. ADJUST WEIGHTING

- Essay section has much lower reliability than MC section
- Current weighting lowers predictive value of FYLSX scores
- No previous documentation for current 1:1 section weights
- Simulations with alternative weightings (2:1 and 3:1)
  - Improved overall examination reliability by up to 5 points
  - Did not substantively impact passage rates
  - Did not differentially impact passage rates on any demographic group

## 2. ELIMINATE ESSAY SECTION COMPLETELY

- Operational impact
  - Cost savings for development and grading
  - Reduction in testing time
  - Elimination of reappraisal phase
- Because of low reliability, essay scores are not useful for diagnostic purposes
- Score simulations eliminating essay section
  - Slightly improved overall reliability
  - Yielded an FYLSX score that *was as predictive of GBX outcomes as one that included essay section*
  - Did not differentially impact passage rates on any demographic group

# Considerations for the Reappraisal Process

## Eventual Passage Rates for Examinees Going in FYLSX Reappraisal

---

| <u>FYLY</u><br><u>Score</u> | <u>Total</u><br><u>Examinees</u> | <u>Passing</u><br><u>Examinees</u> | <u>% Pass at</u><br><u>that</u><br><u>Score</u> |
|-----------------------------|----------------------------------|------------------------------------|---|
| < 560                       | 109                              | 109                                | 100%  |
| 558                         | 129                              | 127                                | 98%   |
| 556                         | 154                              | 153                                | 99%   |
| 554                         | 140                              | 138                                | 99%   |
| 552                         | 138                              | 133                                | 96%   |
| 550                         | 122                              | 107                                | 88%   |
| 548                         | 95                               | 83                                 | 87%   |
| 546                         | 88                               | 72                                 | 82%   |
| 544                         | 87                               | 72                                 | 83%   |
| 542                         | 79                               | 58                                 | 73%   |
| 540                         | 20                               | 18                                 | 90%   |
| Total                       | 1161                             | 1070                               | 92%   |

# Considerations for the FYLSX: Eliminate Reappraisal Process?

---

## 1. LOWER PASSING STANDARD TO 540

- Operational impact
  - No historical documentation for current reappraisal range
  - Cost savings – less grading activity
  - Faster release of results
- Net effect of passing an additional 91 more students over 17 yrs.
- Estimate 5 to 6 more students passing per year
- Based on historic rates, estimate 4 more applicants subsequently taking the GBX per year.

## 2. MAINTAIN CURRENT 560 PASSING STANDARD

- Operational impact
  - No historical documentation for current reappraisal range
  - Cost savings – less grading activity
  - Faster release of results
- Would have failed more 1,116 examinees
  - Lower eventual pass rate from 44% to 33%
  - Improve overall eventual GBX passage rate since students scoring in the FYLSX 540-560 score range only had a predicted 39% passage rate.
- Projections based on mathematical models

# Considerations for the Current Passing Standard

- Current passing standard set over 30 years ago
  - 1998 Standard Setting Studies led to inconclusive results
    - Unaccredited school panelists set standard at 538 ; ABA school panelists set standard at 574
  - Current form of FYLSX configured in 1998
    - Decision made to set pass point on the new exam such that same percentage would pass as in previous version
- FYLSX has gained a reputation as one of the “most difficult” law examinations in the U.S.
- Similar to the GBX, the passing rate on the FYLSX has continued to drop (15% in 6/23) as has the number of test takers (190 in 6/23)
- Standards for Educational and Psychological Testing recommend passing standards be revisited every 7 years
- Setting a standard should be informed by empirical evidence and subject matter specialist

# Considerations for the Current Passing Standard

Projected GBX Passage Rates For Examinees Scoring Below 540 On Their Final FYLSX Attempt

|                    |                                     |  | <u>1440</u>                     |                                     |                                      |                                       | <u>1390</u>                     |                                     |                                      |                                       |
|--------------------|-------------------------------------|--|---------------------------------|-------------------------------------|--------------------------------------|---------------------------------------|---------------------------------|-------------------------------------|--------------------------------------|---------------------------------------|
| <u>Score Range</u> | <u>Examinees Within Score Range</u> | <u>Cumulative Examinees Within Score Range</u> | <u>Pred Pass Rate W/N Range</u> | <u>Additional Examinees Passing</u> | <u>Cumulative Additional Passing</u> | <u>Expected Overall GBX Pass Rate</u> | <u>Pred Pass Rate W/N Range</u> | <u>Additional Examinees Passing</u> | <u>Cumulative Additional Passing</u> | <u>Expected Overall GBX Pass Rate</u> |
| 531-540            | 212                                 | 212  | 32%                             | 68                                  | 68                                   | 56%                                   | 37%                             | 78                                  | 78                                   | 61%                                   |
| 521-530            | 229                                 | 441  | 27%                             | 62                                  | 130                                  | 54%                                   | 32%                             | 73                                  | 151                                  | 59%                                   |
| 511-520            | 282                                 | 723  | 23%                             | 65                                  | 195                                  | 52%                                   | 27%                             | 76                                  | 227                                  | 57%                                   |
| 501-510            | 296                                 | 1019   | 19%                             | 56                                  | 251                                  | 50%                                   | 23%                             | 68                                  | 296                                  | 55%                                   |
| 481-500            | 638                                 | 1657   | 15%                             | 96                                  | 347                                  | 46%                                   | 17%                             | 108                                 | 404                                  | 50%                                   |
| 461-480            | 664                                 | 2321   | 10%                             | 66                                  | 413                                  | 42%                                   | 12%                             | 80                                  | 484                                  | 46%                                   |
| 431-460            | 628                                 | 2949   | 7%                              | 44                                  | 457                                  | 39%                                   | 8%                              | 50                                  | 534                                  | 42%                                   |
| 421-440            | 590                                 | 3539   | 4%                              | 24                                  | 481                                  | 36%                                   | 5%                              | 30                                  | 563                                  | 39%                                   |
| 401-420            | 511                                 | 4050   | 3%                              | 15                                  | 496                                  | 34%                                   | 3%                              | 15                                  | 579                                  | 37%                                   |



## VI. Related FYLSX Project Activities

- Review of content specifications (Completed 6/2022)
  - 13 law school administrators and faculty served as panelists
  - 125 domains/sub-domains covered in Contracts, Criminal Law, and Torts evaluated for:
    - Importance as an indicator of first year law school performance (97%)
    - “Borderline proficient” student should know topic (89%)
    - Relative importance
  - Identified potential new content areas & areas for deletion
- Review of FYLSX multiple-choice item bank (reviewer meetings completed 3/2023; follow-up Staff review ongoing)
  - 20 law school administrators and faculty (7 teams) convened during March to review all MC items along 4 dimensions
    - Alignment with general specifications (97%)
    - Item aligned with content (90%)
    - Appropriateness of answer key (98%)
    - Potential bias (2%)
  - Problematic items identified for modifications and/or deletion
- Statistical Review (Ongoing)
  - Psychometric analysis of item performance since 2000
  - Differential Item Analysis (DIF) to examine possible gender or racial/ethnic bias
  - Testing of experimental items during 2 recent administrations