

**A REPORT TO THE
THE STATE BAR OF CALIFORNIA
ON THE
2023 LEGAL SPECIALIST EXAMINATIONS**

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SUMMARY

The October 2023 Legal Specialist Examination (LSX) consists of 13 specialty area exams, and each exam had the following two sections: (1) a 75-item multiple-choice test ("MC"), and (2) eight essay questions. The essay section constituted the "Written" portion of the exam. There were 416 applicants who completed both sections, 8.7% of whom had taken the LSX at least once before.

416 attorneys sat for the 2023 administration of the examination program, a decrease of 50 from the 2021 administration. As in 2021, the greatest number of attorneys sat for the Family Law Examination (N=168), followed by Worker's Compensation (N=78) and Estate Planning (N=58). No one took the Admiralty nor Federal Criminal Law exams. Five of the specialization areas had less than 10 attorneys sitting for the exam.

Examinees were designated as "passing" if their total scale score was 453 or higher and designated as "failing" if their total score was less than 440. Examinees with total scores in the 440 to 452 scale score zone had their answers reviewed.

The major findings for the 416 applicants who had all their answers read at least once and the subgroup of 15 applicants who had them read at least twice were as follows:

- After the first reading of all answers 22.5% of the applicants failed and 73.8% passed.
- An additional 1.0% passed after the second reading.
- Overall, 74.8% of the applicants passed the examination.
- 75.8% of the 380 first-time takers passed the exam, while 67.7% of the 31 applicants who took the exam for the second time passed.
- These overall passing rates remained consistent with those observed on the previous seven administrations of the specialty area examinations which ranged between 68% and 77%.

The final results appear in Table 1.

Table 1

Number of Examinees in Each Pass/Fail Group and Total Percent Passing

<u>Examination</u>	<u>Total Examinees</u>	<u>Initial Pass</u>	<u>Initial Fail</u>	<u>Reread Pass</u>	<u>Reread Fail</u>	<u>Final % Passing</u>
Criminal Law State	25	17	7	0	1	68%
Workers Compensation	78	62	15	0	1	79%
Taxation	*	*	*	*	*	*
Family	168	121	41	1	5	73%
Immigration and Nationality	27	20	6	0	1	74%

<u>Examination</u>	<u>Total Examinees</u>	<u>Initial Pass</u>	<u>Initial Fail</u>	<u>Reread Pass</u>	<u>Reread Fail</u>	<u>Final % Passing</u>
Estate Planning, Trust & Probate	58	45	11	1	1	79%
Bankruptcy	*	*	*	*	*	*
Appellate Civil	31	22	7	2	0	77%
Franchise and Distribution	*	*	*	*	*	*
Legal Malpractice	*	*	*	*	*	*
Appellate Criminal	*	*	*	*	*	*
All	416	307	94	4	11	75%

*Fewer than 11 applicants

TEST SECTIONS, TIME LIMITS, AND SCHEDULE

Each specialty area examination currently is structured the same manner, consisting of two sections, administered in a single day over 7 hours. The first section of the examination is a 75-item multiple-choice test administered over 2.5 hours (76 minutes for items 1 through 38 and 74 minutes for items 39 to 75). The second section of the examination is comprised of 8 essay questions administered in four 1-hour sessions (i.e., 30 minutes per question). While previous administrations had been primarily given in a central location with answers recorded on paper (and more recently on computer), during the current administrations, test-takers were administered the examination remotely using a proprietary computer platform to record both multiple choice and essay responses.

SCORING RULES, FORMULAS, AND PHASED GRADING

A raw score is calculated separately for each section of the examination for each examinee.

For the multiple-choice section, 1 score point is initially given for each correct answer and a preliminary total score equal to the sum of correct answers is calculated (0 to 75 points). However, since a significant portion of the multiple-choice test is made up of new items, a preliminary item analysis is conducted to determine if any of the items are not meeting psychometric standards (i.e., do not discriminate well, are overly difficult, or detract from the reliability of the overall score). Recommendations to modify the scoring keys are made by a psychometrician based on item analysis and provided to the grading teams. Based on this information and the judgement of the team, the scoring key for the items may be adjusted. A final multiple-choice raw score is then recomputed.

For the essay section of the examination, a total raw essay score is calculated by summing the scores earned on each of the 8 essays (0 to 40 points).

All raw scores are then converted to an alternative standardized scale (Mean= 500 and Standard Deviation=100) for the purpose of mathematically combining the two section

scores into a single overall score. The following formula is used to scale the raw scores on the multiple-choice tests to a distribution that has a mean of 500 and standard deviation of 100 where: A = the examinee's multiple-choice raw score, B = the mean raw score for *all* the examinees who took the examination, and C = the standard deviation of these scores:

$$\text{Multiple-choice scale score} = [(A - B)/C][100] + 500$$

The formula below was used to scale the sum of an examinee's 8 essay raw scores to a distribution that had a mean of 500 and standard deviation of 100 where A = the examinee's raw total essay score, B = the mean essay raw score for all the examinees who took the test, and C = the standard deviation of these scores.

$$\text{Essay scale score} = [(A - B)/C][100] + 500$$

Algebraically, each formula can be converted to a simpler formula that allows the scale score to be calculated as the sum of a "constant" plus the product of a "weight" multiplied by an applicant's raw score: Scale Score = Constant + (Weight * Raw Score).

With both sections scores on the same scale of measurement, an examinee's Total Scale Score can be computed by arithmetically adding both scale scores together. By policy, the CBLs has decided to weight the scores on the essay section more heavily than the multiple-choice scores; by a factor of 3 to 1. Thus, the Total Scaled can be calculated using the following formula:

$$\text{Total Scale Score} = (0.25 \times \text{multiple-choice scale score}) + (0.75 \times \text{essay scale score})$$

The foregoing procedures is used for each of the examinations that has 20 or more examinees. For the remaining examinations, the scaling formulas use the weighted average of the means and standard deviations across all of the large N tests (i.e., rather than each test's own mean and standard deviation). This methodology is applied so that scale scores on the smaller tests do not get adversely impacted by a few excessively high or low individuals scores.

SUMMARY STATISTICS

Table 2 shows the number of attorneys taking each examination and the average scores they earned on each section of the examination.

Table 2
Raw Score Statistics for Each Examination

<u>Examination</u>	<u>Test Takers</u>	<u>Essay Mean</u>	<u>Essay S.D.</u>	<u>MC Mean</u>	<u>MC S.D.</u>	<u>Essay/ MC Corel.</u>
Criminal Law State	25	24.3	5.1	43.3	5.5	.35
Workers' Compensation	78	24.2	3.7	54.3	5.2	.39

<u>Examination</u>	<u>Test Takers</u>	<u>Essay Mean</u>	<u>Essay S.D.</u>	<u>MC Mean</u>	<u>MC S.D.</u>	<u>Essay/ MC Correl.</u>
Taxation	*	24.8	5.7	49.9	6.4	.83
Family	168	23.1	3.7	50.0	5.2	.28
Immigration and Nationality	27	27.9	4.7	45.7	7.4	.67
Estate Planning, Trust and Probate	58	26.4	4.1	47.9	6.8	.60
Bankruptcy	*	26.8	4.0	52.8	8.0	-.10
Appellate Civil	31	25.1	4.6	63.7	6.4	.68
Franchise and Distribution	*	24.3	8.1	56.5	8.9	.79
Legal Malpractice	*	23.7	5.5	60.1	4.7	.52
Appellate Criminal	*	23.5	4.4	48.8	8.7	.86

Table 2 also contains the correlations between the essay and multiple-choice sections. The correlation measures how well test-takers scores on one section were related to scores on another section and expressed on a -1.00 to +1.00 score. Higher correlations (>.70) indicate that attorneys' performances were consistent on each section, while lower correlations (<.30) indicate performances were inconsistent. The lowest correlation (among the larger attended examinations) was observed in Family Law ($r=.28$) and the highest lowest correlation was observed in Appellate Civil ($r=.68$). The weighted average correlation across the tests (with more than 10 examinees) was .41; a level much lower than the 3 previous administrations. This finding suggests that within each specialty area, the materials on the essay sections may have covered different areas of law than on the multiple-choice sections.

For the purpose of completeness, Table 3 presents the parameters for converting raw scores on the respective sections of each specialty area examination to their corresponding scale scores. Note that per the earlier description on scaling, specialty examinations with less than 20 examinees will have the same scaling parameters.

Table 3
Weights and Constants for Computing Scale Scores

<u>Examination</u>	<u>Essay</u>		<u>Multiple-choice</u>	
	<u>Weight</u>	<u>Constant</u>	<u>Weight</u>	<u>Constant</u>
Criminal Law State	19.50	26.49	18.14	-285.27
Workers Compensation	26.74	-146.23	19.14	-538.72
Taxation	23.12	-81.40	16.44	-335.01
Family	27.33	-130.31	19.39	-469.49

<u>Examination</u>	<u>Essay</u>		<u>Multiple-choice</u>	
	<u>Weight</u>	<u>Constant</u>	<u>Weight</u>	<u>Constant</u>
Immigration and Nationality	21.10	-89.31	13.51	-117.65
Estate Planning, Trust and Probate	24.20	-137.93	14.66	-202.01
Bankruptcy	23.12	-81.40	16.44	-335.01
Appellate Civil	21.95	-50.85	15.65	-496.59
Franchise and Distribution	23.12	-81.40	16.44	-335.01
Legal Malpractice	23.12	-81.40	16.44	-335.01
Appellate Criminal	23.12	-81.40	16.44	-335.01

Table 4 presents descriptive statistics related to the scale scores for each examination. For each section and the overall total, the scale score average, score spread (i.e., standard deviation) and reliability (r_{tt} ; measure score consistency or “reproducibility” expressed on .00 to 1.00 scale) are presented.

Table 4
Scale Score Descriptive Statistics & Reliabilities

<u>Examination</u>	<u>N</u>	<u>Essay</u>			<u>Multiple Choice</u>			<u>Total</u>		
		<u>Mean</u>	<u>S.D.</u>	<u>R_{tt}</u>	<u>Mean</u>	<u>S.D.</u>	<u>R_{tt}</u>	<u>Mean</u>	<u>S.D.</u>	<u>R_{tt}</u>
Criminal Law State	25	499.6	99.9	.77	499.8	100.1	.53	499.8	86.9	.82
Workers Compensation	78	500.0	99.9	.63	499.7	99.9	.62	500.0	87.7	.74
Taxation	*	491.4	131.8	.77	485.1	105.9	.71	490.0	121.5	.87
Family	168	500.1	100.0	.61	500.2	100.0	.57	500.3	85.5	.70
Immigration and Nationality	27	500.0	100.0	.76	499.7	99.9	.78	500.0	93.6	.87
Estate Planning, Trust & Prob.	58	499.9	100.0	.60	500.2	100.0	.73	500.1	92.3	.78
Bankruptcy	*	538.2	92.9	.51	533.0	130.9	.81	537.0	73.6	.49
Appellate Civil	31	500.1	100.2	.70	500.1	100.0	.82	500.1	94.0	.84
Franchise and Distribution	*	479.3	188.5	.92	593.8	146.0	.86	508.0	171.9	.95
Legal Malpractice	*	466.9	127.6	.77	653.7	77.9	.58	513.6	107.3	.83
Appellate Criminal	*	462.0	100.8	.78	466.3	142.3	.81	463.0	107.8	.91

Per scaling procedures described earlier, it can be seen that the average and standard deviations for essay and multiple-choice scale scores are roughly 500 and 100 respectively for the examinations with greater than 20 test-takers. While their combined Total Scale

Score mean was also 500, their score spreads were higher or lower as a function of the relationship between the sections.

We also note that the reliabilities were relatively high for certification examinations, averaging .75 (out of 1.00) across the six exams with 20 or more examinees and within acceptable standards (the average is somewhat lower than the .83 level in 2021). The lowest reliability among those six exams was observed on the Family Law examination where the total score reliability was .70. This was driven by the low .57 reliability on the Multiple-Choice section and the .61 reliability on the Essay section. The highest test reliability was found on the Immigration and Nationality exam (.87). Average reliabilities for the respective sections were .64 on both the Essay and Multiple-choice (slightly lower than the reliabilities on the last 4 administrations).