



**THE STATE BAR OF CALIFORNIA
COMMITTEE OF BAR EXAMINERS/OFFICE OF ADMISSIONS**

**180 Howard Street • San Francisco, CA 94105-1639 • (415) 538-2300
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**Information Regarding Question 3 on the
June 2016 First-Year Law Students' Examination**

In connection with administration of the June 2016 First-Year Law Students' Examination, a question on the subject of criminal procedure (Question 3) was included as one of the four essay questions administered during the morning session on June 28, 2016. According to the published information regarding the scope of the First-Year Law Students' Examination, contracts, criminal law and torts are the subjects that are tested on the examination. Generally, criminal procedure is not a course taught in the first year of law study, although many of the applicants taking the examination were in (or had completed) their second year of law study so may have been more familiar with the subject than those who had just completed their first year of law study.

This issue will be reported to the Committee of Bar Examiners (Committee) for whatever action it may deem appropriate. In past situations where applicants' performance may have been negatively impacted as a result of a specific incident, the Committee has directed that certain actions be taken to mitigate any possible negative impact that may have been caused by the incident.

The Committee will be meeting within the next several weeks to determine how this matter should be handled in connection with the grading of the examination. The affected applicants will be provided with additional information as soon as it becomes available.

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ATTACHMENT A



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**Information Regarding Grading of the
June 2016 First-Year Law Students' Examination**

As applicants who applied to take the examination have been advised, in connection with administration of the June 2016 First-Year Law Students' Examination, a question on the subject of Criminal Procedure (Question 3), which is not a subject that should have been tested on the examination, was included as one of the four essay questions administered during the morning session on June 28, 2016. Generally, the First-Year Law Students' Examination is composed of essay and multiple-choice questions in the areas of Contracts, Criminal Law and Torts, which are subjects taught in the first year of law school.

The Committee of Bar Examiners' (Committee) Subcommittee on Examinations met on July 11, 2016, and after a thorough review of all the information available regarding the incident, including the many emails and letters that were submitted by applicants and law school Deans, determined the following:

1. Since many applicants took the time to prepare answers to Question 3 on the June 2016 First-Year Law Students' Examination, the answers submitted by applicants who took the examination will be graded, but the grade will not be included in the calculations for determining the final score on the examination. The grades applicants received on Question 3 will not be reported in the result letter but will be provided to the applicants at the time the books from the examination are distributed, which is several weeks after the results are released.
2. After the other parts of the examination are graded using the standard procedures in place, the Committee's psychometrician will evaluate the best method for calculating final scores to ensure that any adverse impact of the incident is addressed to the highest degree possible.

More information regarding the scoring process that was used to arrive at the final scores will be provided at the time results from the examination are mailed, which is still scheduled for August 12, 2016. The Committee believes that the appropriate steps necessary to ensure all applicants are treated fairly are being taken.



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June 2016 First-Year Law Students' Examination**

During administration of the June 2016 First-Year Law Students' Examination, a question on the subject of Criminal Procedure (Question 3), which is not a subject that should have been tested on the examination, was included as one of the four essay questions administered during the morning session on June 28, 2016. Generally, the First-Year Law Students' Examination is composed of essay and multiple-choice questions in the areas of Contracts, Criminal Law and Torts, which are subjects taught in the first year of law school.

The Committee of Bar Examiners' (Committee) Subcommittee on Examinations met shortly after administration of the examination, and after a thorough review of all the information available regarding the incident, including the many emails and letters that were submitted by applicants and law school Deans, determined that Question 3 should be graded for informational purposes only, that the grade would not be used to calculate final scores on the examination and that applicants would be advised of the grade they received at the time the books from the examination are distributed, which is several weeks after the results are released.

The Committee's subcommittee also directed its measurement consultant to conduct psychometric studies to determine which grading adjustment method best addressed the impact of the issue of having a question on the examination with a subject matter generally not studied by first-year law students. The Committee's consultant conducted several statistical studies and after review of the resulting data, it was determined that the best method for addressing the issue was to give all applicants a score of 100 for Question 3, which is what has been done. One of the alternative grading methods studied for adjusting the scores included assigning a score to Question 3 that is equal to the maximum score received on one of the other essay questions for each applicant. While this method was not ultimately used in the final score calculations, it was used to identify additional applicants whose scores would have entitled them to have their answers reappraised, which was in fact done for those applicants. Applicants who passed the examination with an initial scaled score of 560 passed using either method.

GRADING

The anonymity of the applicant is preserved throughout the grading process. Each applicant is assigned a code number that is not known to them until results of the examination are released. The Committee is aware of the importance of the First-Year Law Students' Examination to each applicant and has established procedures calculated to ensure a fair system of grading.

An applicant's raw multiple-choice score is the number of items answered correctly. Multiple-choice raw scores were converted to a multiple-choice converted score. This process adjusts for the possible differences in the difficulty of the multiple-choice items on different administrations of the examination. As a result, an applicant's converted multiple-choice score is not affected by the difficulty of the particular version of the examination that the applicant takes.

Applicants' answers to the essay questions are graded by attorneys who are licensed to practice law in California, with proven ability at legal analysis. They are trained and carefully supervised.

An applicant's assigned grade on an essay question can range between 40 and 100. Total raw written scores can therefore range between 160 and 400 points. Total raw written scores are converted to the same scale of measurement as that used for the multiple-choice portion. This is done to adjust for possible differences in the difficulty of the essay questions and for variations in grader standards.

An applicant's total scaled score on the examination is the sum of that applicant's converted scores on the multiple-choice and written sections, which includes a score of 100 for Question 3. This step gives these sections equal weight in determining the total score. All applicants who receive a total scaled score of 560 or above are passed. Those who receive a total scaled score of less than 540 are failed. If the total scaled score is at least 540 but less than 560, that applicant's examination is automatically sent to reappraisal, where a member of the Examination Development and Grading Team reviews the entire examination and determines whether, taken as a whole, it merits a pass or fail. Because only a Pass/Fail decision is made in reappraisal, the scores reported to applicants whose examinations were reappraised are the scores achieved after the initial reading.

To confirm your total scaled score:

Converted multiple-choice score

Add your three multiple-choice scores. The sum of these scores is your total raw multiple-choice score. Insert this value into the following formula: $\text{Converted multiple-choice score} = (\text{Total raw multiple-choice score} \times 21.6267) + 21.6267$.

Scaled written score

Add your four essay grades. The sum of these is your total raw written score. Insert this value into the following formula: $\text{Scaled written score} = (\text{Total raw written score} \times 2.3536) - 442.389$.

Your total scaled score is the sum of the two products above.

THREE TIMES STATUTE

Many applicants who took this administration of the examination were on their third attempt and believe that, but for this incident, they would have passed the examination and been entitled to receive credit for all law study completed up to the point of passage.

The Committee does not have the authority to waive the statute that requires applicants to pass the examination within three administrations after first becoming eligible to take it. Under the adjusted grading process discussed above, applicants were given a fair and reasonable opportunity to pass the examination.

While the Committee certainly regrets that this incident occurred, the Committee believes that it has taken the appropriate steps necessary to ensure all applicants are treated fairly, while at the same time not give one group of applicants an unwarranted advantage over others. Individual requests from unsuccessful applicants for reconsideration of their scores based on their personal experiences as a result of this incident will not be considered.

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