



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

**180 Howard Street • San Francisco, CA 94105-1639 • (415) 538-2300
845 S. Figueroa • Los Angeles, CA 90017-2515 • (213) 765-1500**

**Information Regarding Modifications to
California Bar Examination Effective July 2017**

After several years of study and discussion, and after consideration of comments that were received during a public forum that was held to receive comment concerning the proposal, the Committee of Bar Examiners (“Committee”) approved the concept of modifying the format of the California Bar Examination, subject to approval by the Board of Trustees. The Board of Trustees approved the proposed modifications during its July 2015 meeting. Final implementation is subject to consideration by the California Supreme Court.

While there have been more recent changes to the scope of the California Bar Examination and the grading process, there have been no substantive changes to the format of the examination for more than 25 years. The primary reasons for having a bar examination are for public protection, to assess the knowledge and abilities of those seeking admission to the practice of law and to have an objective measure as to whether those seeking admission have acquired through their legal studies the minimum competence expected of those entering the profession. As part of its ongoing responsibilities, the Committee, on a continual basis, reviews the scope, format and grading of the bar examination to ensure that it remains valid, reliable and fair. As part of that review, the Committee also considers whether the examination is being administered in the most effective and efficient way possible.

Several years ago, the Committee determined that it was appropriate to seriously consider modifying the format of the examination so that the General Bar Examination could be administered over two days instead of the current three-day format. In consultation with several independent psychometricians, it was determined that a two-day examination (one day devoted to a written test and one day to the multiple-choice Multistate Bar Examination (MBE)), with equal weight assigned to the MBE and the written portions, would be comparable to the current three-day examination and would not negatively impact the reliability of the examination or decision making consistency. Statistical analysis has shown that the three-day examination does not materially lead to additional precision, and that a two-day examination is a more efficient way to produce materially the same results.

During review of the two-day examination proposal, the Committee’s psychometrician conducted a study, which results supported the concept of the two-day examination. When various examination format scenarios were compared to existing score data from twenty examinations that had been administered in the past, the psychometrician’s analysis found that administering a two-day examination would yield essentially the same results as those for a three-day examination and that it would be more efficient.

According to the psychometrician, testing applicants over two days could be done “in a way that improves test quality, maintains existing pass/fail standards, and does so without making it more difficult for minority applicants to pass.” A copy of the report entitled “The Estimated Effect on Examination Quality and Passing Rates of Different Ways of Modifying California’s Bar Examination,” which was prepared by Dr. Stephen Klein and his colleague, Roger Bolus, Ph.D., is attached.

In addition to discussion of the proposal during many of its meetings, which were duly noticed and open to all attendees, the Committee held a public forum on May 13, 2013, to receive comments about the proposal. The press release announcing the opportunity was posted on the State Bar’s website at:

<http://calbar.ca.gov/AboutUs/News/Archives/2013NewsReleases/201313.aspx>

At the public forum, there were law school deans who supported the concept of the two-day examination, another law school dean who was against the proposal and one member of the public who was against it. Attached is a report prepared by one of the Committee’s psychometricians in response to some of the comments that were made during the public forum. There were also comments in favor of the proposal made by others, which were contained in an article that appeared in the *Daily Journal*, and two letters voicing opposition that were received.

Contrary to some assertions, the proposed modifications to the California Bar Examination will not make it an easier test to pass, as the minimum passing score (a scaled score of 1440) will remain the same. It will continue to test minimum competence in the law. The modified format makes it a more efficient testing tool to do so.

Some concerns have been raised that the changes to the weighting of the examination will unfairly impact minorities. According to the analyses that have been conducted, the change in grading is not expected to have any impact on the passing rates of minority applicants who take the examination. According to one of the psychometrician’s reports: “[R]educing test length does not affect overall passing rates or exacerbate the differences in rates that are typically found among racial/ethnic groups. Assigning equal weights eliminates the difference in passing rates between men and women.”

Based on all of the expert reports and analyses and consideration of all pertinent factors, the Committee believes a two-day General Bar Examination is in the best interests of the applicants and the administration of the bar examination.

ATTACHMENTS:

- A. [Report on The Estimated Effect on Examination Quality and Passing Rates of Different Ways of Modifying California’s Bar Examination](#)
- B. [Report on Key Factors to Consider When Engaging in A Development or Redevelopment Process](#)