

REQUEST FOR INFORMATION



This document is a Request for Information (“RFI”) for vendor services to conduct an attorney job analysis study. The State Bar of California (the “State Bar”) is seeking a vendor to conduct an attorney job analysis study in relation to the California Bar Examination (CBX). Innovative approaches to this study, by qualified providers, are encouraged.

A response to this RFI is optional, and is not a requirement of any subsequent procurement. This RFI is non-binding. The State Bar will have no obligations under this RFI to award a contract based on the responses received, but may engage some or all respondents in further discussions and negotiations that may result in one or more contracts. Responses may be used to structure further formal or informal requests or solicitations, which may also serve as the basis for a contract. If the State Bar decides to issue a formal solicitation subsequent to this RFI, that solicitation will be distributed to all respondents to this RFI and posted on the State Bar website.

I. INTRODUCTION

The State Bar of California, created in 1927 by the Legislature and adopted as a judicial branch agency by amendment to the California Constitution in 1960, is a public corporation within the judicial branch of state government. The purpose of the State Bar of California is to ensure that the people of California are served by the legal profession in a manner consistent with the highest standards of professional competence, care, and ethical conduct; to carry out such additional programs as may be required by law or by rule of court; and to contribute generally to the science of jurisprudence and the administration of justice. The State Bar serves as an administrative adjunct to the California Supreme Court in all matters pertaining to the admission, discipline, and regulation of California lawyers. The California Constitution, the State Bar Act and California Rules of Court vest in the State Bar the duty to regulate the legal profession, formulate and elevate educational and professional standards, raise the quality of legal services, advance the science of jurisprudence, and aid in the improvement of the administration of justice.

The State Bar of California’s mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system. The State Bar is the largest state bar in the country and licenses approximately 250,000 attorneys. The agency is a public corporation within the judicial branch of state government and serves as an administrative arm of the California Supreme Court. More information about the State Bar can be found online: www.calbar.ca.gov/About-Us. The State Bar’s offices are located in San Francisco and Los Angeles.

II. BACKGROUND

In 2017, pursuant to direction from the Supreme Court of California, the State Bar conducted two studies related to the CBX:

1. A Standard Setting Study to evaluate whether the existing pass score appropriately reflects the minimum competence of entry-level attorneys; and
2. A Content Validation Study to evaluate whether the topics covered on the CBX, in terms of their breadth and depth, are in alignment with the knowledge, skills, and abilities required of entry-level attorneys.

While these studies represented an important milestone in taking a comprehensive assessment of those two critical elements of the CBX, the scope of the studies, and the conclusions reached by them, were constrained by several factors.

One of the constraints is related to the job analysis information that was used as reference material in the Content Validation study. The job analysis results were based on a study conducted by the National Conference of Bar Examiners (NCBE) in 2012, which relied on a national survey of practicing attorneys; the final report of the analysis is available on the [NCBE website](#). The national focus of NCBE’s study, while appropriate for evaluating cross-jurisdictional topics on the exam, lacked California-specific content for evaluating the written component of the CBX, which is designed to cover both federal and state laws.

Consistent with a recommendation of the Content Validation Study, the State Bar plans to revisit the issues of content alignment and CBX pass score after completing a job analysis study that more appropriately serves the needs and objectives of the CBX.

III. INFORMATION REQUEST

The State Bar wishes to engage the services of a consultant with significant expertise and experience in conducting studies on various aspects of high-stake professional licensure exams. The scope of the study, as currently envisioned, is intended to provide critical information for the assessment, development, and administration of the CBX as follows:

- Provide a documented link between exam content in relation to current and changing legal practices;
- Inform the development of a minimum competence definition for standard-setting assessment;
- Assess the adequacy of current exam format (including but not limited to multiple-choice and constructed response, scoring weights associated with each component) in testing the requisite knowledge and skills of entry-level attorneys; and
- Provide a blueprint for future development and selection of exam topics and question items.

With respect to procedural and methodological considerations of the job analysis study, the State Bar is seeking vendor responses on the following items:

- Approaches to engaging with various stakeholders in the legal community throughout the study, at both the local and national level if necessary;
- Governance of the study to provide oversight and input through the process, specifically in terms of the composition of the governing body and its roles and responsibilities;
- Methods for gathering information, aside from focus group discussions, regarding legal practices;
- Sampling methods for conducting the job analysis survey to ensure balanced representation and statistically significant findings in terms of practice area, firm type, geography and demographics, practice setting and specialization, and other relevant factors;
- Survey rating scales to measure the frequency, importance, and criticality concerning various knowledge and skills in legal practices, and whether other dimensions would be important to consider, such as the difficulty level and cognitive complexity involved in performing various tasks; and
- Feasibility of using a different methodology to conduct the job analysis survey, including the Experience Sampling Method that allows for collection of more detailed information with less burden on respondents.

IV. RESPONSE INSTRUCTIONS

The submission requirements for this RFI are set forth below. A proposal shall constitute an irrevocable offer for sixty (60) business days following the deadline for its submission. Reference to a certain number of days in this RFI shall mean business days unless otherwise specified.

A. Submission Requirements

1. A brief description of your organization's history and position in specific current markets.
2. Qualifications, background and experience of the project director and other staff proposed to work on the project.
3. Provide a description of the history of work previously performed for other State of California agencies or State Judicial Branch Entities.
4. A description of at least three (3) similar projects completed within the past five (5) years. Projects should clearly list: a summary of the study goal and result; start and end dates; methods and tools used; any subcontractors or external parties that assisted with the study and their roles.
5. A general description of the techniques, approaches and methods to be used in providing the services described in this RFI; provide a response to the methodological items referenced in Section III, Information Request for conducting job analysis studies.
6. A description of the chronology for completing the work, including a timeline and deadlines for each task. Timelines should be designed in weeks, in series starting from Week 1; include named project phases; descriptions of activities in those phases; required parties and responsibilities; any and all concurrent services should be clearly noted as such.
7. A total cost estimate, and a cost breakdown for the various phases of the study, including the method and cost for developing, testing, and deploying the Experience Sampling Method, if deemed feasible; and
8. Any other information or suggestions you may have in providing services designed to meet stated project goals.

B. Questions Regarding the RFI

Questions regarding the RFI should be addressed in writing, by email, to both:

Ron Pi, Principal Analyst at Ron.Pi@calbar.ca.gov; and

Keith Jenkins, Senior Program Analyst at Keith.Jenkins@calbar.ca.gov

If a question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the vendor may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the vendor must submit a statement explaining why the question is sensitive. If the State Bar concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence, subject to the California Public Records Act. If the State Bar does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the vendor will be notified.

C. Addenda

The State Bar may modify the RFI prior to the date fixed for submission by posting, mailing, emailing or faxing an addendum to the vendors known to be interested in submitting a response.

D. Responses Due

Please email your proposal no later than 5 p.m. on April 30, 2018 to both Ron Pi and Keith Jenkins, at the emails listed in Section IV. Response Instructions, B. Questions Regarding RFI.

If you would like to submit hardcopy proposal, you may do so at the below address:

The State Bar of California
180 Howard Street
San Francisco, CA 94105-1639

Attn: Ron Pi
Office of Research & Institutional Accountability (ORIA)

Respondents are solely responsible for all expenses associated with responding to this RFI. Responses to this RFI will not be returned. The State Bar reserves the right to cancel or reissue this RFI, or to change the time for response or any other term of the RFI without obligation or liability.

F. Disposition of Materials

All materials submitted in response to an RFI will become the property of the State Bar of California and will be returned only at the State Bar's option and at the expense of the vendor. One copy of each proposal will be retained for the State Bar's official files and become a public record pursuant to the California Public Records Act. By submitting a proposal, a vendor agrees to these terms and waives any right to pursue a cause of action for damages incurred as a result of the release of any information contained in a proposal.