



The State Bar *of California*

Report to the Supreme Court on the February 2024 California Bar Exam

Committee of Bar Examiners

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FEBRUARY 2024 CALIFORNIA BAR EXAM

**Report Pursuant to
Title 4. Admissions and Educational Standards, Division 1. Admission to Practice Law in
California, Chapter 5. Examinations, Rule 4.60(B)
of the *Rules of the State Bar of California***

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REPORT ON THE FEBRUARY 2024 CALIFORNIA BAR EXAM

The State Bar of California received applications from 5,697 applicants to take the February 2024 California Bar Exam, which was administered on February 27 and 28, 2024. A total of 4,318 applicants completed¹ the exam and received results. Of those, 3,944 applicants completed the General Bar Exam and 1,337 passed (33.9 percent); 374 attorney applicants completed the Attorneys' Exam and 197 passed (52.7 percent). Applicants taking the Attorneys' Exam included attorneys in good standing admitted to practice law in other jurisdictions for four or more years prior to the date of testing, and disciplined attorneys. Five of the 22 disciplined attorneys who took the exam as a condition of reinstatement passed the exam.

The two-day General Bar Exam included the following: three one-hour essay questions administered in the morning, and two one-hour essay questions, and one 90-minute Performance Test (PT) in the afternoon. The 200-item multiple-choice Multistate Bar Exam (MBE) was provided by the National Conference of Bar Examiners. The one-day Attorneys' Exam included the same five one-hour essay questions and one 90-minute PT.

The February bar exam was administered at 11 test centers throughout the state, which included handwriting, laptop, and testing accommodations centers. To participate in the Laptop Computer Program, applicants were required to pay an additional fee and download special security software in advance. Following conclusion of the exam, applicants who completed their answers using their laptops were required to upload their answer files to a secure server no later than noon the day after the exam. The electronic answer files were downloaded from the ExamSoft secure server into the State Bar's Admissions Information Management System (AIMS) for electronic grading. A total of 4,043 applicants (93.6 percent) took the exam using a laptop computer.

A total of 411 applicants with disabilities were granted accommodations. Of those, 397 applicants were assigned to take the exam at testing accommodations test centers, while 14 were granted accommodations at standard test centers. Twenty-seven applicants who were granted accommodations either withdrew their applications, had their application abandoned, or were not eligible to take the exam. Of the 411 applicants who were granted accommodations, 35 did not show up for the exam.

Six grading groups, each consisting of up to 14 experienced and apprentice graders, were selected to grade the essays and PT answers. A member of the Exam Development and Grading (EDG) team supervised each group of graders. The groups convened through a videoconference for two calibration sessions in March and one in April. Members of the Committee of Bar Examiners were invited to attend the second calibration session. At the first calibration session, the EDG team led a discussion designed to reach agreement on which issues should be discussed in an answer and what tentative weights should be assigned to each issue. To determine proper calibration, each grader was given a copy of the same 15 answers to their assigned question. Each grader read and graded the first

¹ To be considered as having completed an exam, an applicant must have been in attendance for its entirety and have a complete set of scores for the six written questions, which may include zeros. In addition, for the California General Bar Exam, the applicant must have submitted answers to the Multistate Bar Exam (MBE) portion.

answer in the set. The grade assignments were discussed until the group arrived at a consensus grade for the first answer. This process was repeated for each of the remaining answers in the set of 15, with consensus being achieved for each answer.

After the first calibration session, each grader was given an additional 25 answers to independently grade. This second round of grading was designed to determine the level of calibration achieved by the grader panel, and to what degree, collectively and individually, there was agreement among the group on the relative quality of the second set of answers.

At the second calibration session, the EDG team distributed and discussed the grading guidelines that had been drafted based on the discussion at the first meeting. Graders received statistical information concerning their independent grading of the 25 answers distributed at the first meeting and discussed any answers that yielded significant disagreement. An additional 15 answers were read, graded, and discussed before a consensus grade was assigned to each answer. The groups were then given their first grading assignments.

During the third calibration session, held midway through the grading cycle, graders discussed any problems they had been experiencing with the answers they reviewed. The group graded an additional set of 15 answers, arriving at a consensus for each, to assure their continued adherence to the established guidelines.

The February 2024 California Bar Exam was graded using California's two-phased grading system. All written answers are read at least once before pass–fail decisions are made. Applicants with total scaled scores after the first read of 1,390 or higher were considered as having passed the exam, and applicants with total scaled scores of 1,349.9999 or lower failed the exam. Applicants with total scaled scores of 1,350-1,389.9999 had all their written answers read a second time by a different set of graders (second read or Phase II). The averages of the first and second read grades were used in the calculation of the total scaled scores.

The scores on the written portion of the February 2024 exam were scaled to the MBE – that is, the written scores were converted to a score distribution with the same mean and standard deviation as the MBE score distribution. This procedure ensures that the difficulty of the exam remains consistent from one exam administration to the next. For the February exam, the mean scaled MBE score in California was 1,327 compared with the national average of 1,318. The scaled written score accounts for 50 percent of the total score, and the scaled MBE score accounts for the other 50 percent.

During the first day of the exam and following the exam, staff received concerns and complaints from applicants that the environmental conditions, in particular the temperature in the North and South Halls of the Cow Palace testing site, possibly impacted examinee performance. This feedback was received on site, via the Applicant Portal, public comment, and via the Post-Exam Survey that collects information about the examinee experience after each administration of the First-Year Law Students' and California Bar Examinations.

To investigate whether these environmental conditions impacted examinee performance, staff consulted with the psychometrician overseeing the bar exam grading to conduct a mode effect study. ACS Ventures, LLC (ACS) conducted a statistical analysis to evaluate whether there were examinee performance differences based on testing location. The psychometrician was also directed to determine whether a grading adjustment was warranted if a performance difference was identified. Unlike other instances when the State Bar has made grading adjustments, such as when some applicants were uniformly impacted by a technical malfunction or experienced a mild earthquake, assessing the impact of a subjective determination, such as being too hot or too cold, would prove challenging.

Multiple analyses were conducted to evaluate the potential effect of environmental conditions at the Cow Palace site. After evaluation of the data, the researchers did not detect meaningful differential performance by testing location. The data did not support the hypothesis that applicants at Cow Palace were disadvantaged by the environmental conditions at the facility.

Staff also reviewed the February 2024 CBX Post-Exam Survey data. At the end of each exam cycle, a survey is sent out to examinees to learn about their test-taking experience. Staff use the data to determine whether improvements in exam administration are necessitated. Staff focused specifically on the qualitative comments received in the open text field of the survey. The survey received a total of 633 comments, with 302 of these specifically mentioning cold temperatures. Of those 302 comments, 253 were from applicants testing at both the North and South Halls of the Cow Palace site. After further analysis, the data did not support the need to make a grading adjustment because there was no meaningful correlation between the temperature in either hall and ultimate performance on the exam. Staff continue to stress for applicants to come prepared for shifting climates in all of the exam information leading up to the exam. Staff also alert contracted facilities to maintain their facilities as close to 70 degrees as possible.

Results were made available to applicants through the Admissions Applicant Portal on May 3, 2024, and were made available to the public on May 5, 2024. Instructions for completing the State Bar registration card (also known as oath card) were sent by email on May 7 to the successful applicants who completed all requirements for admission to practice law in California.