OPEN SESSION
AGENDA ITEM
4.1 MARCH 2025
COMMITTEE OF BAR EXAMINERS

DATE:　　　　**March 14, 2025**

TO:　　　　**Members, Committee of Bar Examiners**

FROM:　　　**Chad Buckendahl, State Bar Psychometrician**
　　　　　　　Donna Hershkowitz, Chief of Admissions
　　　　　　　Audrey Ching, Program Director, Admissions

SUBJECT:　**Update, Discussion, and Potential Action Related to the February 2025**
　　　　　　　California Bar Examination Administration, Including General Overview of
　　　　　　　Psychometric Analysis and Past Practice

EXECUTIVE SUMMARY

The February 2025 California Bar Exam, administered primarily over Tuesday, February 25 and Wednesday, February 26, was administered in a hybrid format – both remotely and in test centers. Regardless of modality, with the exception of those handwriting the exam, all applicants took the test in an exam software platform administered by Meazure Learning. Meazure Learning also provided the remote and in-person proctors and technicians and sourced the in-person test venues. During and following the administration of the exam there were significant reports of technical issues and calls for remedial measures to address those issues. This staff report highlights some of those issues, what data we have at this time, and some of the psychometrics that could be used to adjust scores if deemed appropriate. The report recommends that the committee delegate authority to the Chair and Vice Chair to act between meetings on recommendations for scoring adjustments, if time demands action before the next scheduled committee meeting.

DISCUSSION

Background Data

San Francisco Office
180 Howard Street
San Francisco, CA 94105

www.calbar.ca.gov

Los Angeles Office
845 South Figueroa Street
Los Angeles, CA 90017

By exam day, a total of 4,328[1] applicants were eligible to sit for the February 2025 Bar exam; 2,784 option to take the remote administration and 1,544 electing to test in-person. Of the total number of test takers, 352 were scheduled for the one-day Attorneys' Exam; and 132 were designated as handwriters. Ultimately, 4,193 applicants attended the exam, 2 partially completed the exam by choice, and 133 were no-shows. Originally, over 5,600 applicants registered for the exam, but 1346 applicants withdrew from the exam and 1066 of those withdrawals occurred after the Board offered a full refund to any applicant who wished to withdraw before the exam during its meeting on February 13, 2025. These figures are subject to change pending the outcome of an exam retake opportunity offered to 87 applicants scheduled for March 18 and 19.

KEY ISSUES IDENTIFIED
A significant number of test takers reported technical issues while using the Meazure Learning platform. Issues included difficulties launching the exam, frequent disconnections, prolonged tech support wait times, unexpected automatic submission, and inability to submit written responses. Many test takers also reported that they faced problems such as frozen screens, system lags, unwanted scrolling of cursors, and the inability to highlight or utilize certain exam tools. The cut and paste function did not work at all, or did not work as expected for many test takers. Additionally, test center candidates reported experiencing significant delays in starting their exams on the second day of testing. Proctoring challenges were also reported, including proctors providing incorrect information, disrupting test takers, and displaying unprofessional behavior. These issues were also discussed by the Board of Trustees as its March 5, 2025, meeting.

PERFORMANCE DATA AND DISCREPANCIES
As described to the Board of Trustees at the March 5, 2025, meeting, preliminary data suggests that 98 percent of applicants had some content recorded for all six written components, while fewer than 1 percent failed to submit responses for three or more sections. In the multiple-choice portion, 98 percent of test takers completed at least 195 responses. Staff review of written components with fewer than four submissions with content revealed a few additional test takers with only minimal content, such as pasting the question stem into the response block. Test taker-reported experiences indicate a potential disconnect between system-recorded completion rates and the ability to perform to the best of one's ability. A deeper analysis of response quality and anomalies is underway, with survey data and additional reports expected to provide further insights.

REMEDIATION AND NEXT STEPS
Test takers have requested various remediation measures, ranging from individualized scoring adjustments to global solutions, including a reduction in the cut score, pre-establishing a percentage of test takers who will pass the exam, permitting exam retakes, refunds, provisional

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[1] The total number of applicants eligible to sit for the exam is ten higher than the figure reported to the Board on March 5, 2025 and other figures are adjusted accordingly. These changes are the result of a data reconciliation process conducted for grading purposes, during which staff reviewed exam response data and verified applicant records.

licensure, reciprocity for those admitted in other jurisdictions, or admission to the bar for all test takers. More than 85 test takers have been offered full or partial retests. Criteria for retests included:

1. Applicants who were unable to launch the bar exam in the Meazure Learning platform at all.
2. Applicants who had fewer than four successfully submitted written responses (essays and/or the Performance Test).
3. Applicants who completed fewer than three of the four sections of multiple-choice questions.

Many of the proposed global solutions, including changes to the pass score or diploma privilege, require Supreme Court approval. A psychometric review will be conducted to assess potential solutions, considering the challenges faced during the February exam administration.

UNPACKING THE PSYCHOMETRICS
There are a variety of adjustments that psychometricians can employ to address conditions and challenges that test takers face during high-stakes exams. Although test takers understandably want an answer now as to what will be done, such adjustments cannot be determined until after the exams are scored and analyses completed to determine what may be most appropriate. One psychometric adjustment that has been discussed most often in the context of the February 2025 exam is imputation. The principles behind imputation helped guide the selection of those eligible for the retest. Imputation, in a psychometric context, refers to the process of estimating missing or compromised data using statistical methods to ensure fairness and validity in scoring.

When a test-taker has missing responses due to disruptions, omissions, or technical failures, imputation methods can fill in the gaps by predicting what their score *likely* would have been based on available information. Scores from the full group of test-takers are used to determine the predictive relationship between components of the test. The test-taker's score on completed sections is used to estimate missing scores in proportion to expected performance trends. In developing the predictive model, the method assumes that a test-taker's known performance has a similarly predictive relationship as a larger, representative sample of test-takers. This means that for the multiple-choice section of the exam, there is a predictive relationship between the multiple-choice questions and the total score of the multiple-choice section of the exam. There is also a predictive relationship between scores on written section questions (essay and performance test questions) and the total score on the written section of the exam.

Imputation has been previously used for the California Bar Exam. For the July 2021 California Bar Exam, in which a large number of examinees were impacted by technical issues, psychometric adjustments were made to account for these disruptions caused by the exam software. Two main adjustment methods were used: (1) A **pro rata grading adjustment** for affected essay and performance test questions, which estimated expected scores based on unaffected responses and adjusted scores up to that expected level. (2) A **regression model** for examinees with extensive disruptions (three or more affected written sessions or two or more

affected multiple-choice sessions), using available multiple-choice or written scores to estimate missing performance. Additionally, the multiple-choice question vendor provided a **pro rata multiple-choice score adjustment** for those impacted during the multiple-choice section. A description of the approach taken for this exam is described in Attachment A.

Technology disruptions may not be experienced uniformly across all test-takers. There may be issues unique to the modality (remote or in-person), or the particular site at which a test taker was sitting for the exam, for example. This additional complexity means that a single solution may not be appropriate for all test takers. The type and severity of the disruption needs to be explored to better understand how the disruption potentially impacted scores for an applicant. Evaluating the nature of any disruptions is an important first step in determining the methods that may be needed to equitably produce scores. Chad Buckendahl, the State Bar's psychometrician, will discuss several different types of psychometric adjustments that are possible, as well as examples of how they were applied in other high stakes exams with the goal of ensuring that test takers are assessed fairly, while maintaining the integrity of the exam and the scoring process.

CURRENT GRADING TIMELINE
The grading process for the February 2025 bar exam is scheduled to be completed nine weeks from the conclusion of the exam, with results due to be released on May 2, 2025. The Board of Trustees at its March 5 meeting asked the Committee of Bar Examiners to consider ways in which the timeline could be expedited to bring more timely resolution to test takers in light of their experiences. The Committee of Bar Examiners has, over the past five years, decreased the February grading timeline from eleven weeks to nine weeks, by, among other things, increasing the number of graders to 14 per question, the upper limit of what has been recommended by the State Bar's psychometrician, to retain consistency. The current nine-week schedule begins with graders writing a detailed analysis to the question they are assigned, then three calibration meetings scheduled between one and two weeks apart (with independent grading by grading panelists happening concurrently), and finally there is a second read of applicants' written content for applicants who fall within the second read criteria. Second read ensures that applicants who score within 40 points of 1390 are given another read of their written content by a second set of graders who need an additional week to rescore. For the last two February administrations, 11.6% of all applicants went to second read, and 12.7% of those applicants went from fail to pass.

Options for Reducing the Grading Timeline
1. Increasing the number of graders per question.
    *   As noted above, in April 2020, the State Bar asked its psychometrician how many graders can be assigned to a question to reduce the grading timeline while continuing to ensure consistency. The State Bar uses up to 14 graders per question identified by the psychometrician as the upper limit.

        Grading began on February 27 with questions being disseminated to graders and graders creating draft analyses and outlines. Answers were exported on March 7 and distributed to the grading team for the first calibration meeting taking place

March 15-16. At this point, inserting and training additional graders could have the unintended consequence of delaying the grading process.
2. Elimination of the second read.
- While this could potentially reduce the grading timeline by at least one week, it would be detrimental to applicants whose outcomes change from fail to pass as a result of this phase of grading.
3. Elimination of calibration meetings.
- Calibration is fundamental to maintaining consistency in the grading process, ensuring that all written content is evaluated according to a uniform standard.
4. Use of artificial intelligence in grading.
- Staff have begun exploring how artificial intelligence technologies could assist graders, increase grading efficiency, and lead to quicker grading. Although there are many examples of how artificial intelligence is used successfully in scoring exams, including national standardized assessments, the State Bar's exploration is still in its early stages and staff is not ready to recommend its adoption at this time. Also, it should be noted that the tools being explored do not replace human graders but will ideally aid them. Ultimately, the opportunity to reduce grading time with these tools is something that internal research can begin evaluating now using archival questions and responses.

PREVIOUS ACTION

[Approval of and Action on Report Prepared by the Committee's Psychometrician, as Part of the Implementation of the Appendix I Recommendation to Evaluate the Grading Process for the California Bar Examination (CBE meeting, April 2020](https://...))

FISCAL/PERSONNEL IMPACT

The initial quote from Meazure Learning to administer the February 2025 bar exam was 1.7 million dollars. However, with projections for increased attendance and the addition of projected costs for providing testing accommodations, the amount increased.

There will be lost revenue in 2025 due to the numbers of withdrawals with full refunds and the offer to those who withdrew or who are unsuccessful on February 2025 bar exam to take the July 2025 bar exam at no cost.

AMENDMENTS TO RULES

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None – core business operations

RESOLUTIONS

Should the **Committee of Bar Examiners** concur, it is

RESOLVED, that if the timing for making a decision on any scoring adjustment does not align with a regularly scheduled meeting of the committee, the committee delegates decision-making authority on scoring adjustments to the Chair and Vice Chair. Any decision on the scoring adjustment made pursuant to this delegation shall be reported to the full committee at its next regularly scheduled meeting.

ATTACHMENT(S) LIST

    A.   July 2021 Bar Exam Scoring Adjustment