The State Bar of California

SCORING ADJUSTMENTS FOR APPLICANTS NEGATIVELY AFFECTED
DURING THE JULY 2021 CALIFORNIA BAR EXAM

During the July 2021 Bar Exam, applicants nationwide encountered technological issues that vendor ExamSoft reported were caused by high-memory utilization between ExamMonitor (the video proctoring arm of the software) and the main software that generates digital images.

After the State Bar of California investigated the scope of impact of these issues on California examinees, the agency worked with its psychometrician to develop a grading adjustment for those who were negatively impacted. A negative impact was defined as follows:

- Examinee reported encountering a black or blue screen that required a laptop reboot, whether the examinee lost time or not.
- Examinee experienced a black or blue screen that required more than a laptop reboot in order to continue testing. Typically, the applicant was directed by ExamSoft to redownload the exam question to restart that exam session and continue testing.
- Examinee was not provided access to redownload the exam question and thus was unable to fully complete that exam session.

State Bar Admissions staff verified each reported incidence through a variety of sources, including review of proctoring videos, ExamSoft call logs and reports, reports submitted in the Applicant Portal, and emails received by the State Bar. The State Bar concluded that 2,429 examinees experienced negative impacts. Applicants who reported incidents that were not substantiated have been informed that they did not receive a grading adjustment.

For applicants who were negatively impacted by these ExamSoft issues during the written sections of the exam (essay questions and Performance Test), the State Bar applied a pro rata grading adjustment for each affected question, which utilized data from the unaffected population of examinees, as well as the affected individual's scores on questions where there were no recorded problems. The adjustment consisted of two components:

1. The first component accounted for the relative difficulty of each question. This component was calculated by first obtaining the average score on each question among examinees who had no memory utilization issues on any written question and the overall average of all scores in that group. The difference of the averages on each question and the overall average was used to represent the relative difficulty of each question. For example, if the overall average across all questions was 78, and the average on the first question was 76, that question was considered more difficult than the average question by 2 points. The 2-point difference was considered

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the "adjustment factor" for that question. Each question was given an "adjustment factor."

2. The second component was based on the scores of each individual who experienced an ExamSoft memory utilization issue. First, an average was calculated for the examinee's scores on which no issue was encountered. That average was considered to be the best estimate of that individual's ability. For each question on which there was some technological issue of the type described above, the average score from the unimpacted sessions was adjusted by the "adjustment factor" to arrive at an "Expected Score." The "Expected Score" was then compared to the examinee's actual score on the question. If the actual score was less than the "Expected Score," an adjustment was made, and the final score on the question was the "Expected Score." If the actual score was greater than the "Expected Score," the score was not changed.

For examinees negatively impacted during any session of the Multistate Bar Exam (MBE), the National Conference of Bar Examiners (NCBE) provided an adjusted score for the State Bar's use that also uses the pro rata method. Similar to the adjustment method for the written section, if the adjusted score calculated by the NCBE was lower than the original MBE score, then no adjustment was made.

For statistical reasons, the pro rata grading adjustment could not be applied to applicants who either experienced more than three negatively impacted written sessions, or more than two negatively impacted MBE sessions. For the very small number of applicants who met this criteria (less than 2 percent of those who were negatively impacted), the State Bar employed a regression model that takes into consideration MBE scores to adjust the written session, or for those missing three or four MBE sessions, considers their written essay scores in adjusting the MBE score.

Examinees who experienced these technological issues and were unsuccessful on the exam will have the option to request that their July 2021 bar exam fees be applied as a credit to take the February 2022 or July 2022 California bar exam. Applicants who do not plan to sit for those exams will be able to request a full refund of their fees. Applicants will receive instructions with their results letter on how to take advantage of these options.