



National Conference of Bar Examiners

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Overview of NCBE's Testing Task Force Study

The Testing Task Force is undertaking a comprehensive study to ensure that the bar examination continues to test the knowledge, skills, and abilities required for competent entry-level legal practice in a changing profession. The study will consider the content, format, delivery method, and timing of the bar examination and the MPRE, and it will be done collaboratively, with input from stakeholders solicited throughout the study.

The Task Force has selected two independent research consulting firms—[ACS Ventures LLC](#) (ACS) and [American Institutes for Research](#) (AIR)—to support its study. ACS is a psychometric consulting firm that focuses on test design, operational support, and quality assurance within the credentialing, education, and workforce sectors. AIR is a nonprofit behavioral and social science research organization that specializes in analyzing job requirements.

The goal of the Task Force's study is to develop a set of recommendations for the NCBE Board of Trustees that is supported by the research data gathered by its consultants and that takes into consideration logistical and psychometric requirements along with stakeholder input to lay the groundwork for the next generation of the bar examination. The study will proceed in overlapping phases, with each phase building on the previous ones.

PHASE 1: Stakeholder Research

The initial phase of the study, conducted by ACS, will focus on gathering stakeholder input about the bar examination. During this phase, ACS will conduct a series of listening sessions with stakeholders (e.g., bar admission agencies, state supreme courts, bar leaders, legal educators, practitioners) to gather information about uses and perceptions of the bar examination and ideas and opinions about the future direction of the bar examination in a changing legal profession. This phase will begin in November 2018 and will overlap with the beginning of Phase 2.

PHASE 2: Practice Analysis

Some results of the first phase of the study will help inform the second phase, a practice analysis (PA) conducted by AIR and ACS to identify the job activities (tasks) of newly licensed lawyers (NLLs) and the knowledge, skills, abilities, and other characteristics (KSAOs) required to perform them. The practice analysis will be comprehensive and systematic, based on multiple sources of job knowledge (e.g., new practitioners, supervisors, legal subject matter experts) and using multiple methods to obtain input (e.g., focus groups and survey). It will address both the current state of the profession and expected changes to the profession in the coming years to accurately identify the critical knowledge, skills, and abilities required for competent entry-level practice.

The practice analysis will consist of five steps, each designed to allow multiple opportunities for subject-matter experts to provide input and to build on the work done in the preceding steps. The first step is already under way.

- 1. Conduct environmental scan.** Review the results of the 2012 NCBE practice analysis and other available studies, reports, articles, books, websites, and online databases to develop an initial list of tasks of NLLs and the KSAOs needed to perform those tasks.

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2. **Conduct focus groups.** Conduct multiple focus groups to ask practitioners about changes to the field and the future direction of the profession. Work closely with various subject matter experts, NLLs, and supervisors to refine the list of tasks and KSAOs to develop the practice analysis survey.
3. **Develop and administer practice analysis survey.** Develop an updated inventory of tasks and KSAOs informed by the first two steps and administer a nationwide web-based survey presenting this inventory to licensed lawyers for their input. Survey respondents will provide ratings on job tasks and KSAOs that will help determine criticality to entry-level practice.
4. **Prepare practice analysis technical report.** Prepare a technical report that documents methodology, analyses, and the final list of critical tasks and KSAOs. The report and the results from this study will provide the foundation for decisions regarding any future changes to the bar examination and its test specifications.

We anticipate that this phase of the study will be completed in early 2020.

PHASE 3: Bar Examination Program Design and Test Components Design

In this phase of the project, ACS will use the information collected in the first two phases to develop multiple options for program design, taking into consideration stakeholder perspectives and needs, logistical issues, best practices in high-stakes testing, and fidelity to the practice of law (representation of the professional framework of expected competencies). ACS will lead an iterative process where the Testing Task Force reviews and considers program design options and solicits comments from stakeholders. The program design plan is expected to delineate the number of exam components, the domains that each component will cover, and the expected path/relationship among the components (e.g., pass exam A before exam B, domain-specific versus general skills). ACS will then use the program design to develop recommendations for test components design. Test components design involves decisions about the measurement format, test administration plan and scoring strategy. The test components design will present a structured plan for the development, delivery, and maintenance of each proposed test component. We anticipate that this final phase of the study will be completed by the fall of 2020.

As the study progresses, the Task Force will publish summaries and reports of findings on its website. The Task Force expects that its study will produce useful information for the benefit of all, including data and insights about core competencies that could be adopted by other stakeholders such as law schools, bar associations, employers, and others involved in ensuring that newly licensed lawyers are prepared to practice effectively and safely.

STUDY TIMELINE

(September 2018 – September 2020)

