

National Conference of Bar Examiners

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Solicitors Regulation Authority
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Dear Board of the Solicitors Regulation Authority:

Staff members at the National Conference of Bar Examiners recently had the opportunity to review a draft version of the Solicitors Qualifying Exam Assessment Specification document. We found much of what was proposed to be quite innovative. A substantial amount of work must have been involved in developing the specifications and supporting materials. We were particularly impressed by the carefully constructed content outlines and also with the details provided regarding the scope of the program.

We have shared the above plus more detailed comments, questions, and cautions in a more formal review last month. In this letter, we specifically address the question of whether the Solicitors Qualifying Exam seems similar in terms of difficulty to our Bar Examination in the United States.

It sounds to us as though the examinations are similarly designed. The goals and purposes of the examinations are similar. The knowledge, skills, and abilities measured are similar. The assessment criteria for Stage 2 are similar to the assessment criteria we use on our written components. We do not use Extended Matching Questions, but use of the Single Best Answer Questions would be common. We have less information about how similar the populations sitting for our two examinations are in terms of preparation and other characteristics, but the above generally suggests that the difficulty of our examinations could indeed be similar. However, whether the examinations truly will be of similar difficulty is unknowable without at least preliminary performance data. We have learned that it is difficult even for experienced item writers and editors to predict with accuracy how an item will perform; it is not uncommon for us to discover that an item is somewhat easier or more difficult than intended the first time it is written. Only by pretesting and actually using the items will it be possible to know the

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difficulty (operationalized as the proportion of examinees getting the item correct, or as the b-parameter, for example).

We note that even if the item performance and/or ultimate passage rate data would suggest that our exams are of similar difficulty, the SQE may well be *perceived* by examinees as being more difficult for two reasons. First, the SQE is more complex than the Bar Exam in terms of the number and type of components. Having to demonstrate skills through interviewing and oral communication is likely to be seen by some as a more demanding form of examination than a multiple choice or essay-type examination. Second, the proposed examination will likely have a higher failure rate than that of the Bar Exam. This is because the Bar Exam uses a compensatory model where scores from the components are summed to arrive at an overall score which determines passing. The proposed SQE uses a non-compensatory model where each component must be individually passed. This perception of increased difficulty will probably be somewhat counter-balanced by the fact that SQE examinees who fail a component need only repeat that component (within the same assessment session), whereas examinees who fail the Bar Examination must typically repeat the entire test (and must wait for the next full administration). But, even failing a component and quickly repeating it and passing may make examinees think the examination is more difficult than they would if receiving a single marginally passing score on the total examination.

We wish you well as you continue to develop the examination.

Kind regards,



Joanne E. Kane, Ph.D.
Associate Director of Testing

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