

# **Work Simulations for Hearing Officers and Administrative Law Judges**



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# Objectives



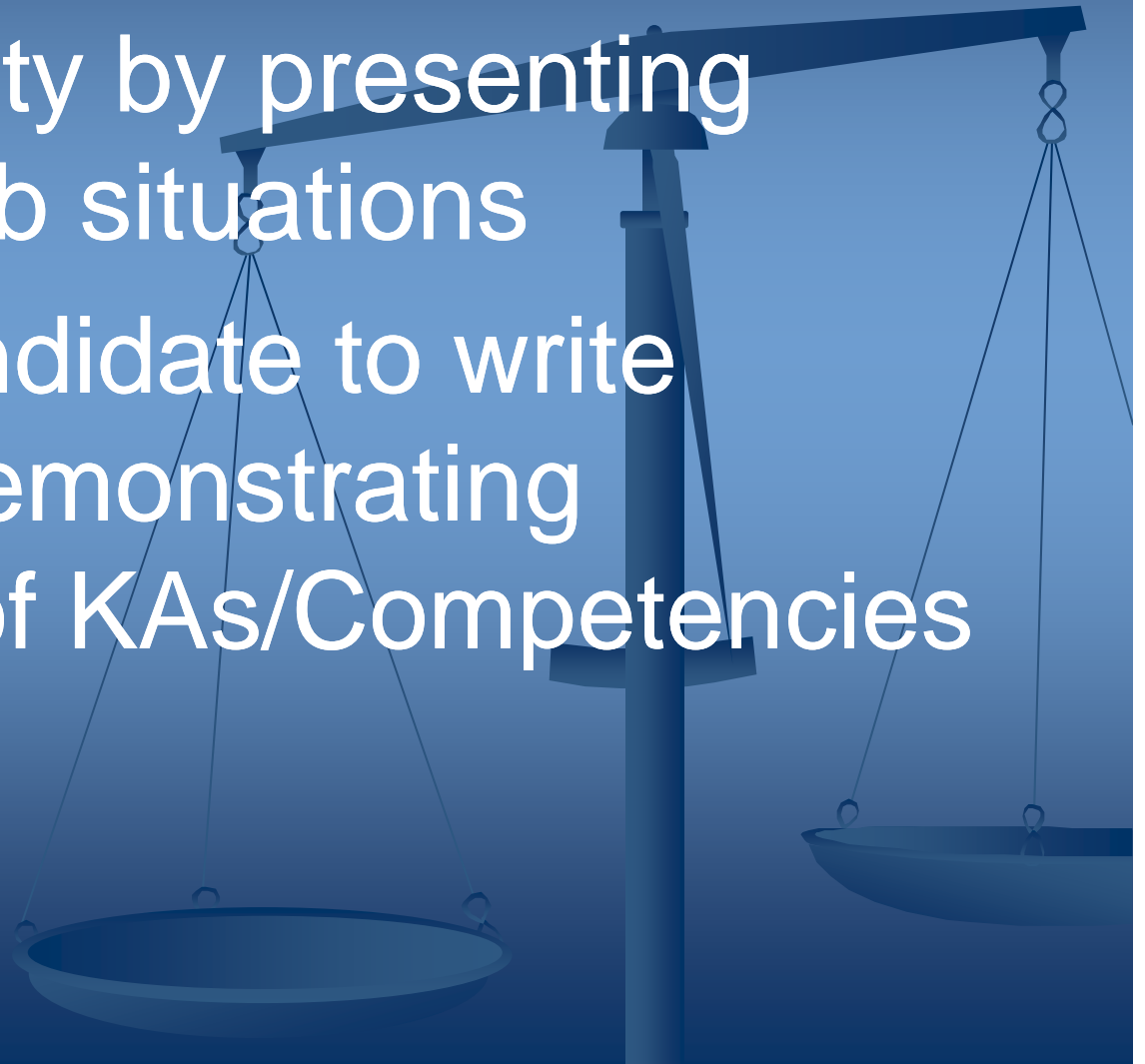
- Define a written work simulation
- Why use a written work simulation for legal job titles?
- Sources for written work simulation development
- Two types used by PA for legal job classes

# Objectives (continued)

- Test Administration Considerations
  - Scoring the Examination
  - Evaluating the Examination
  - Advantages and Disadvantages
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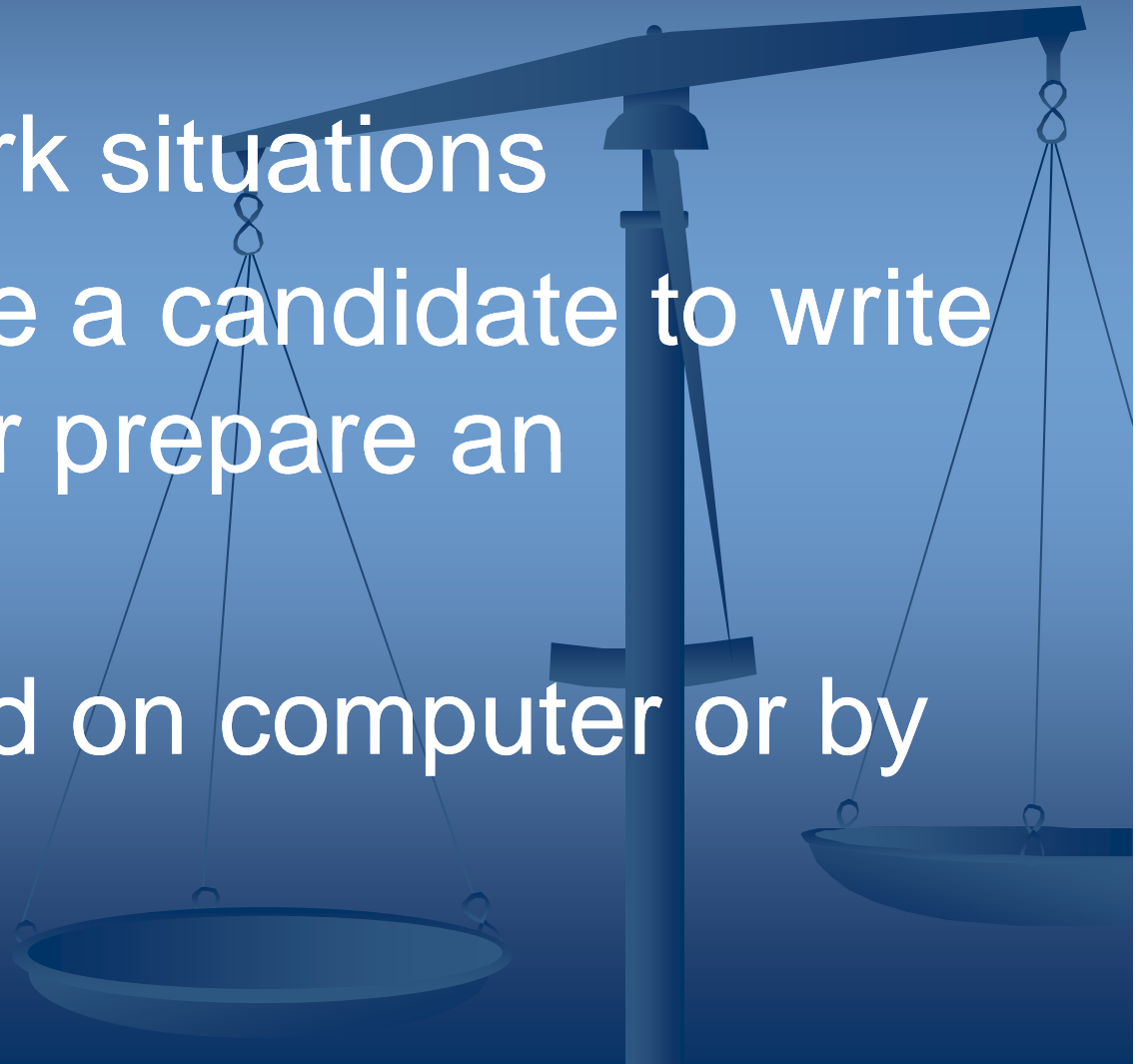
# What is a Written Work Simulation?

- Reflects reality by presenting entry-level job situations
- Requires candidate to write responses demonstrating possession of KAs/Competencies



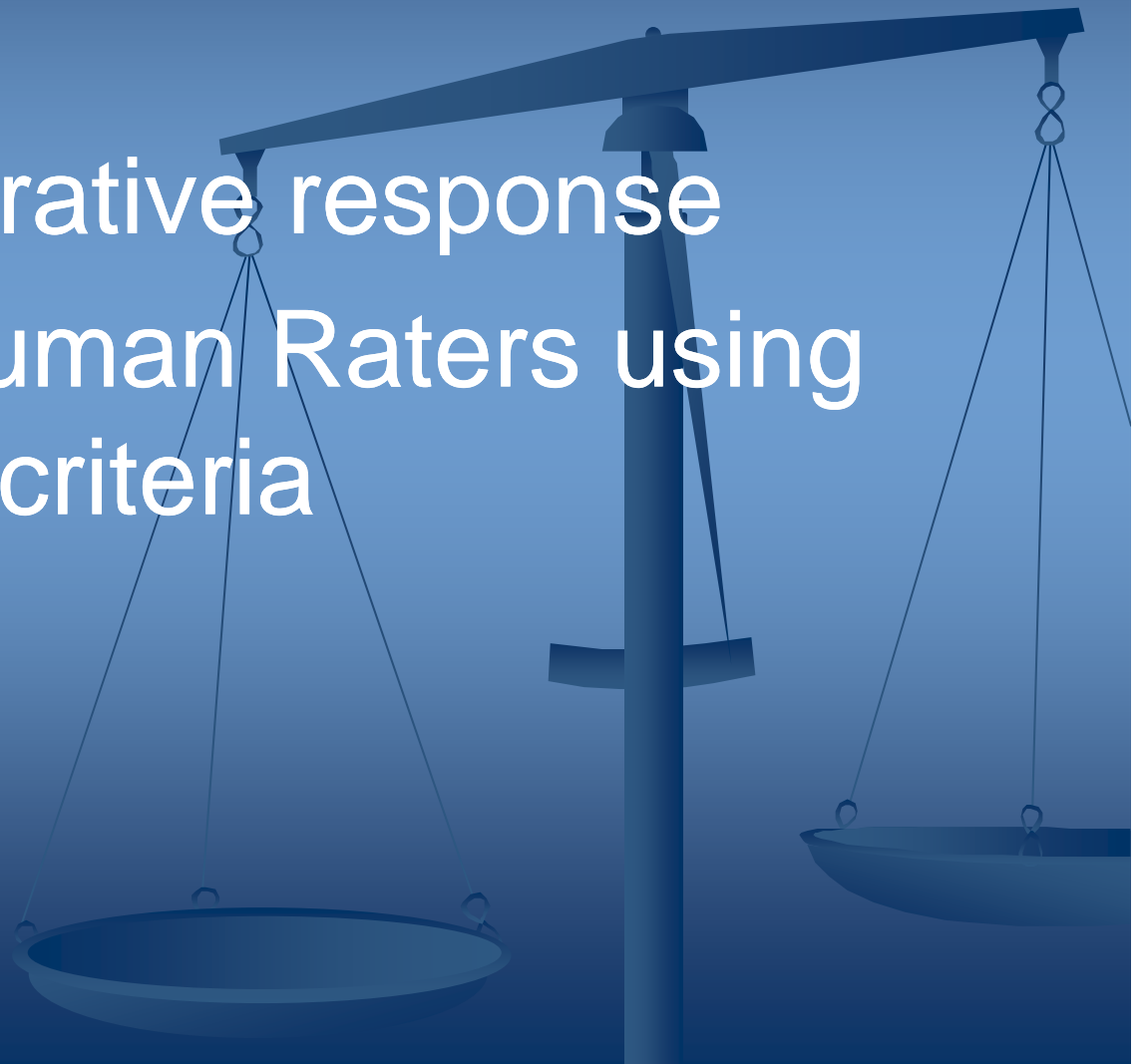
# What is a Written Work Simulation? (continued)

- Includes work situations
- Might require a candidate to write a decision or prepare an adjudication
- Administered on computer or by paper



# What is a Written Work Simulation? (Continued)

- Requires narrative response
- Scored by Human Raters using benchmarks/criteria



# Job Analysis



- Legal classes studied:
  - Parole Hearing Officer
  - Attorney Examiner
  - Appeals Referee
  - Workers' Compensation Judge
  - Administrative Law Judge
  - Welfare Hearings Officer

# Job Analysis Findings



- Similar entry-level highly important Knowledges
  - K-1 Knowledge of the rules of evidence
  - K-2 Knowledge of the principles of procedures and evidence
  - K-3 Knowledge of the substantive areas of law



# Job Analysis Findings



- Similar entry-level, highly-important Abilities
  - A-1 Ability to research, interpret and apply codes and related laws
  - A-2 Ability to arrive at appropriate findings of fact and sound decisions
  - A-3 Ability to communicate effectively in writing.

# Why A Work Simulation?

- Expected Candidate Pool
- SME/Rater Availability
- Developmental Time




# Why A Work Simulation?

- Sufficient test administration facilities
- Available technology

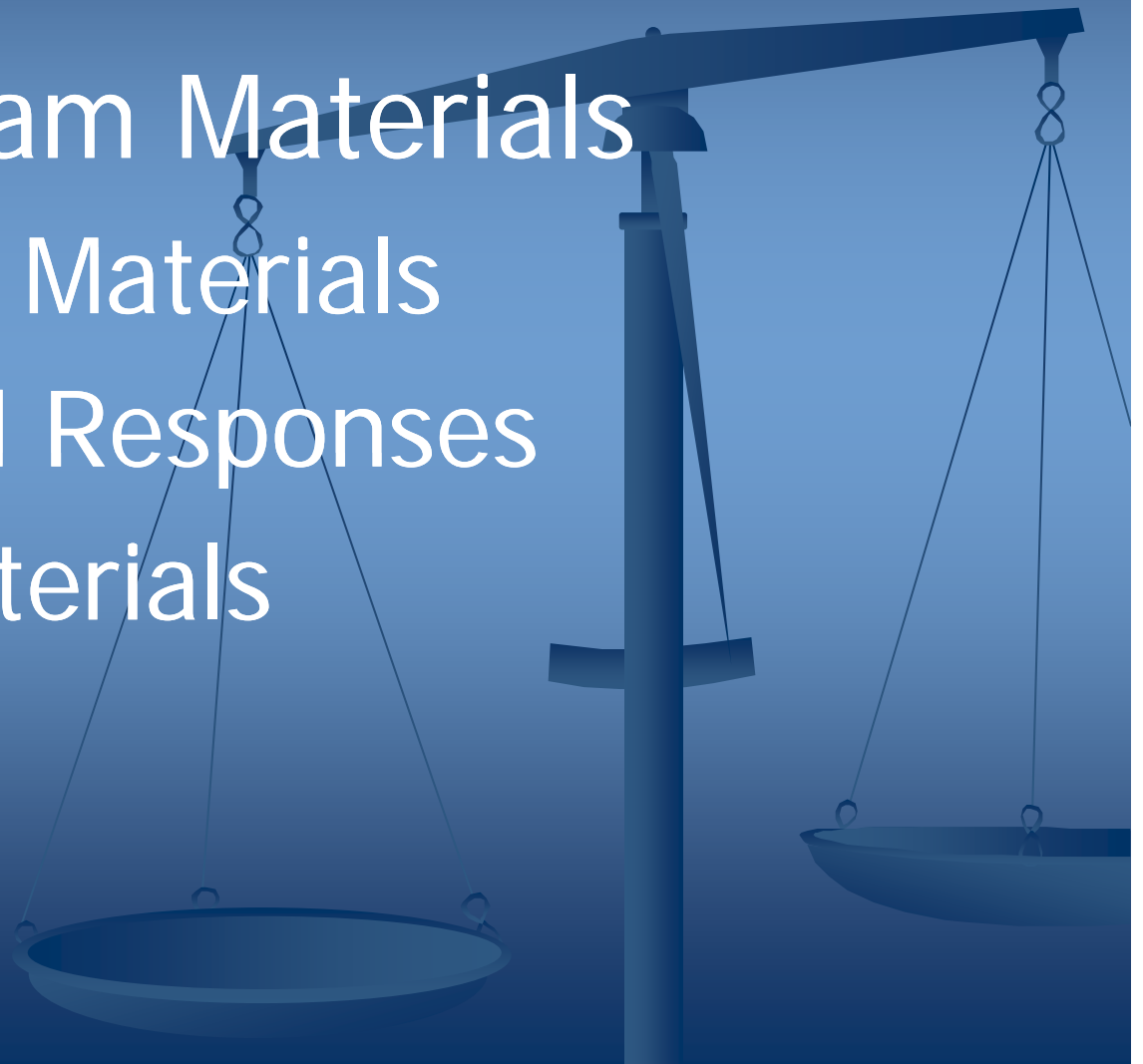


# Written Work Simulation Development

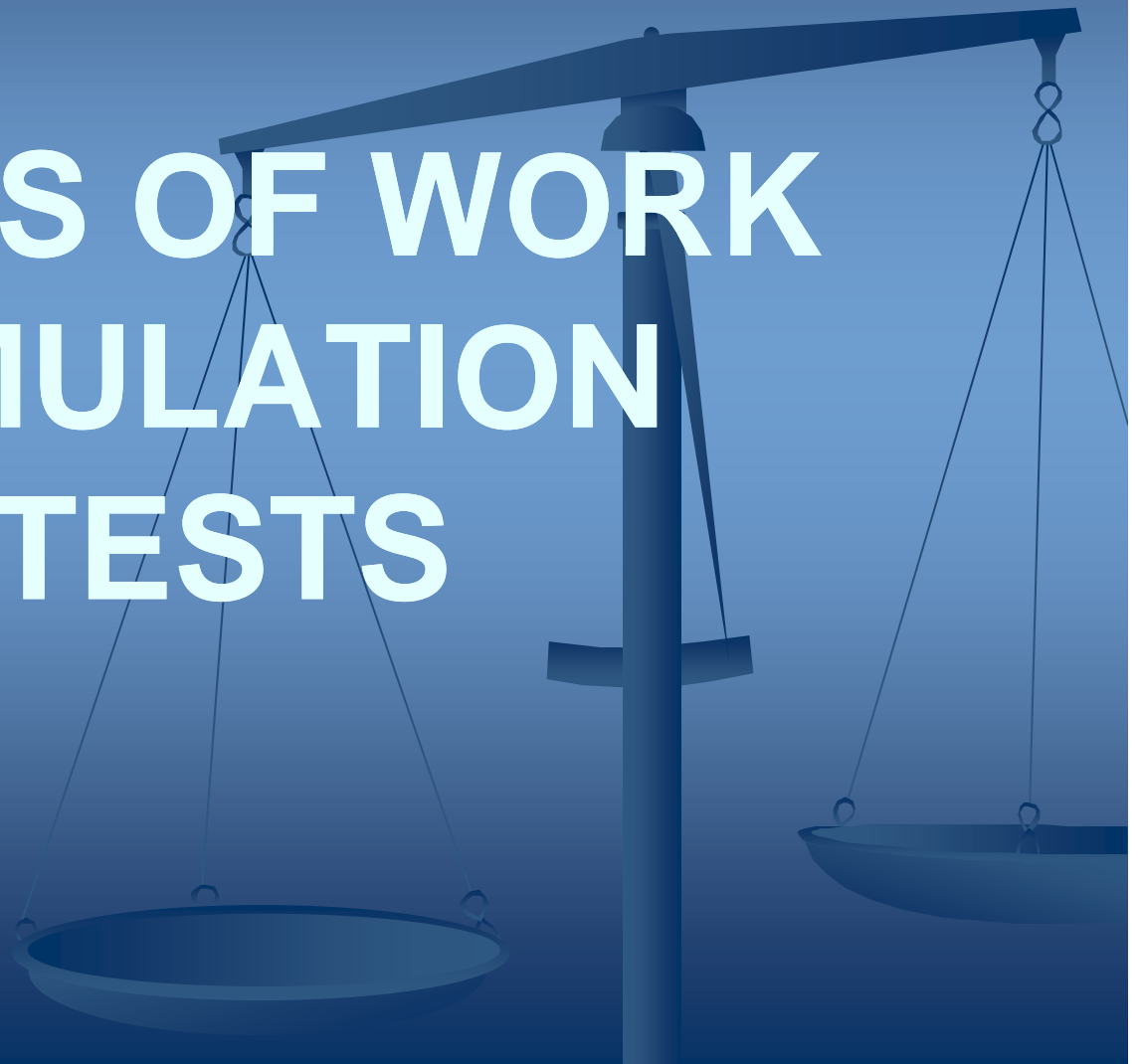
- Sources of test material
    - SMEs
    - Previous Exam Program
    - Other legal exams
    - Laws, rules and regulations
- 

# Written Work Simulation Development

- Develop Exam Materials
  - Reference Materials
  - Suggested Responses
  - Rating Materials



# TYPES OF WORK SIMULATION TESTS



# Written Work Simulation Types



- Factor Based
  - Parole Hearing Officer
  - Administrative Law Judge
- Knowledge Based
  - Attorney Examiner 2
  - Appeals Referee

# Factor Based



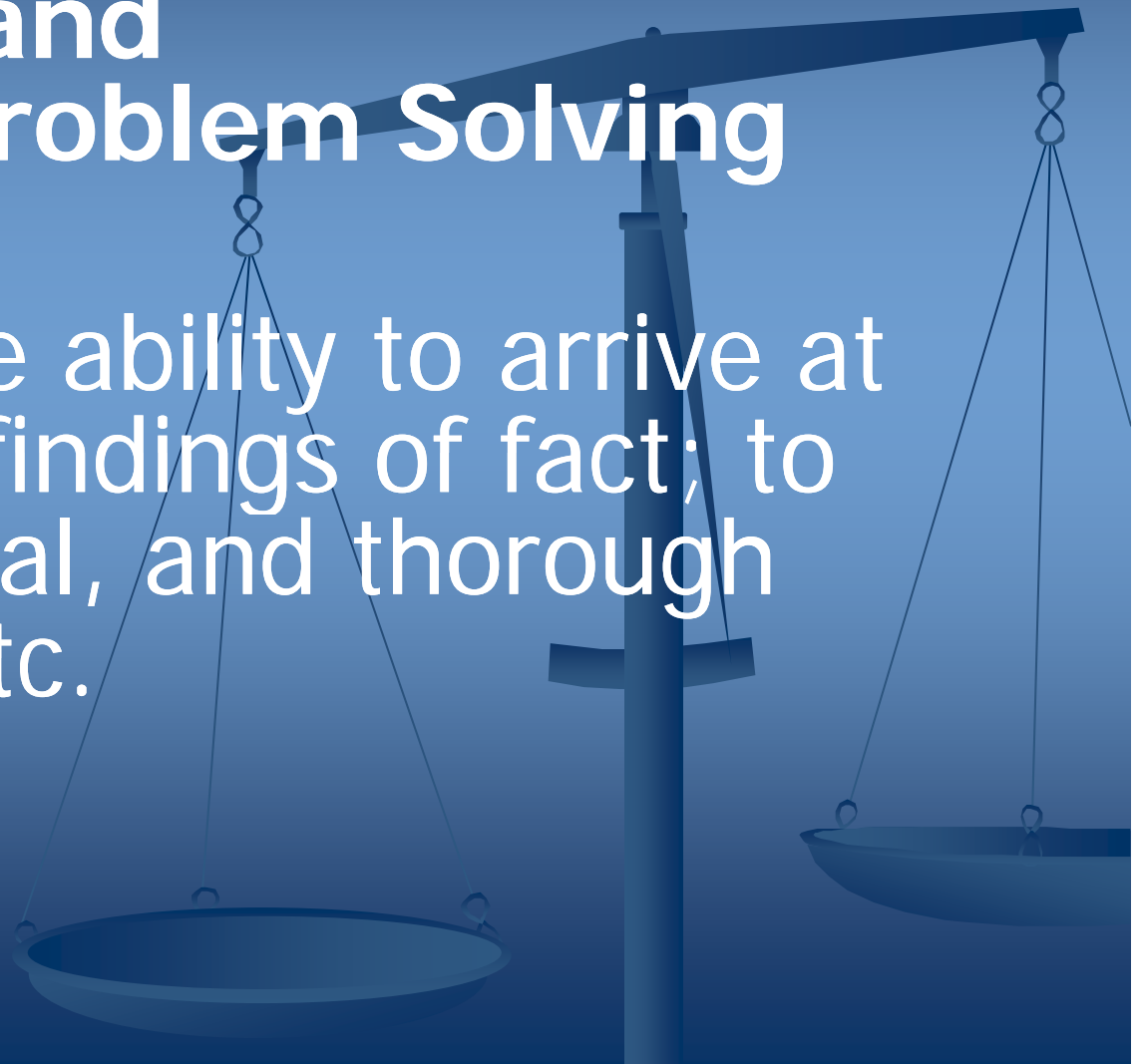
- Judgment and Decision/Problem Solving
  - K-1, A-1, A-2
- Analytical Ability
  - K-1, K-2, K-3, A-1, A-2
- Written Communicative Ability
  - A-3



# Operational Definitions

- **Judgment and Decision/Problem Solving Ability –**

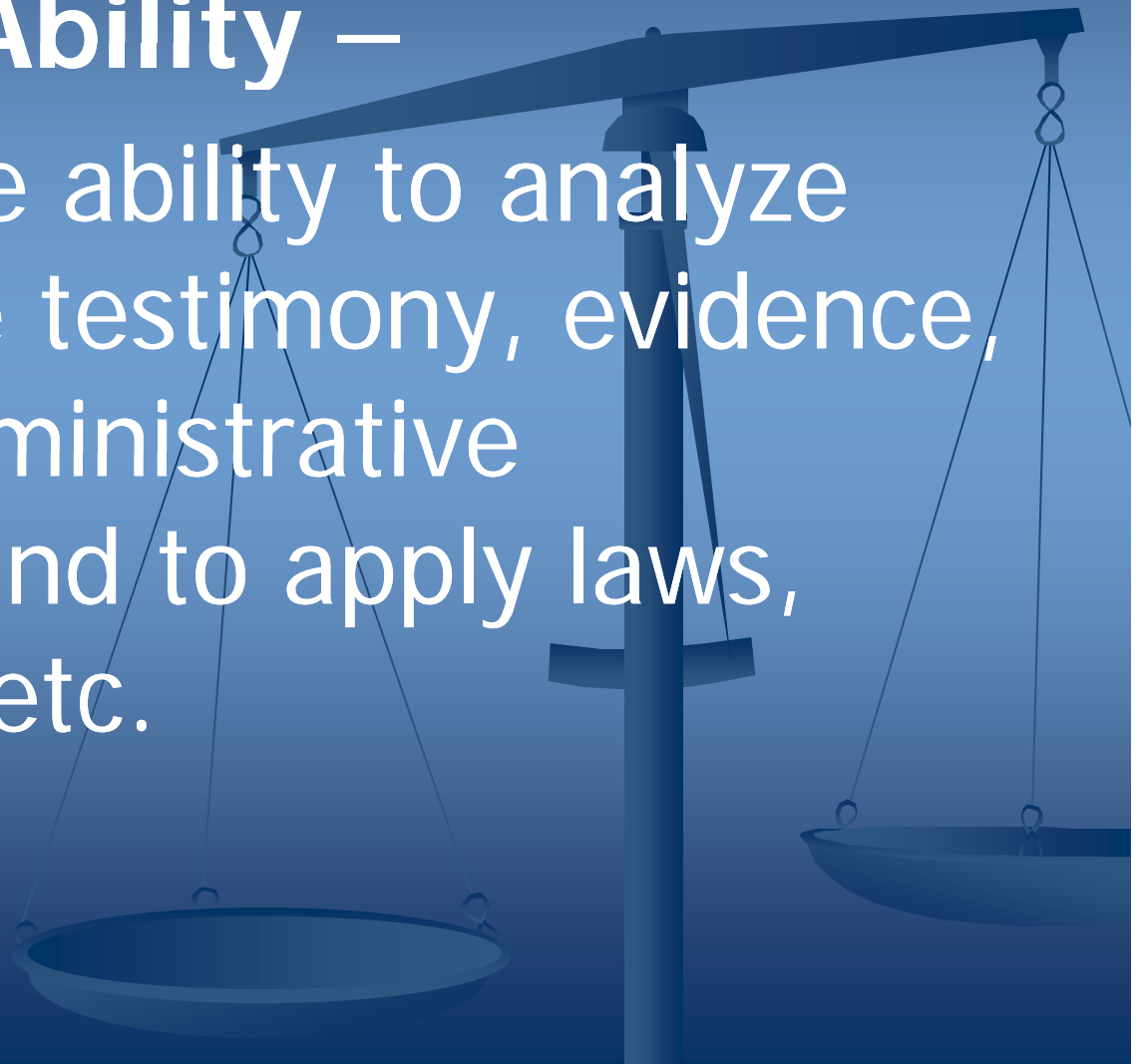
Measures the ability to arrive at appropriate findings of fact; to provide logical, and thorough reasoning, etc.



# Operational Definitions

- **Analytical Ability –**

Measures the ability to analyze and appraise testimony, evidence, legal and administrative documents and to apply laws, regulations, etc.



# Operational Definitions

- **Written Communicative Ability –**

Measures the ability to express ideas clearly and concisely in written form using proper grammar, punctuation, sentence structure, tone and vocabulary

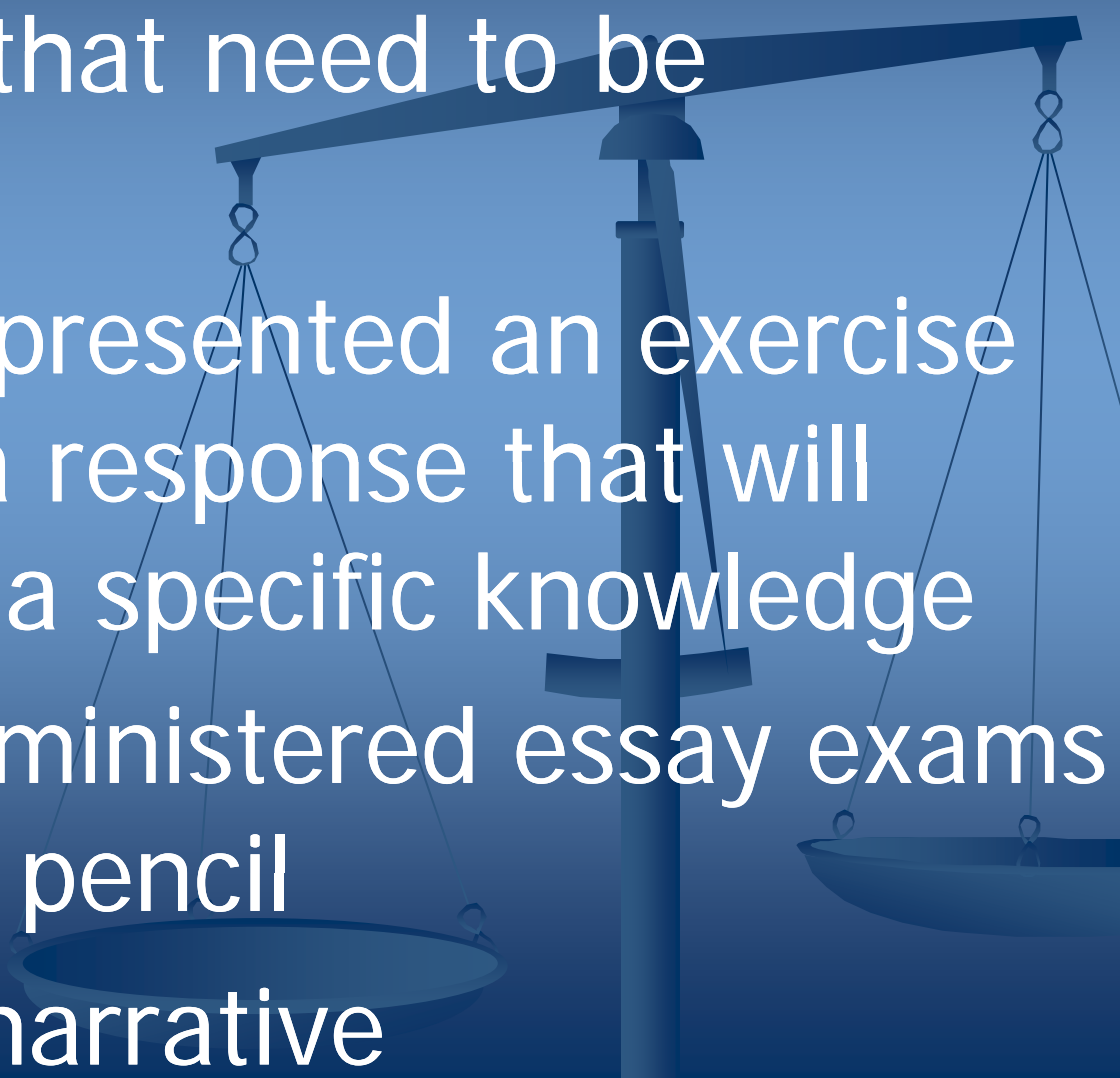


# Factor Based (Continued)



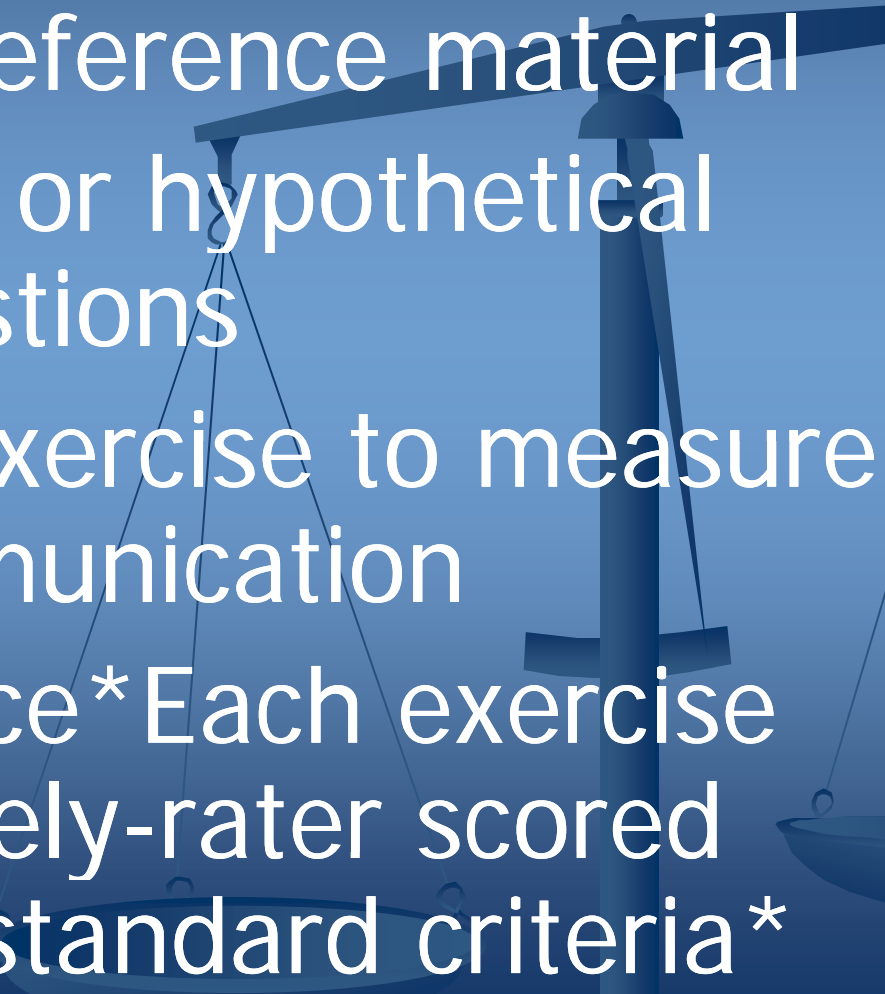
- Candidate is presented an exercise that evokes a response that will demonstrate one or more factors
- Questions can be open-ended or specifically focused, depending on need
- May include reference material
- Each factor is rated holistically

# Knowledge-Based Work Simulations



- Identify KAs that need to be measured
- Candidate is presented an exercise that evokes a response that will demonstrate a specific knowledge
- Computer administered essay exams or paper and pencil
- Response is narrative

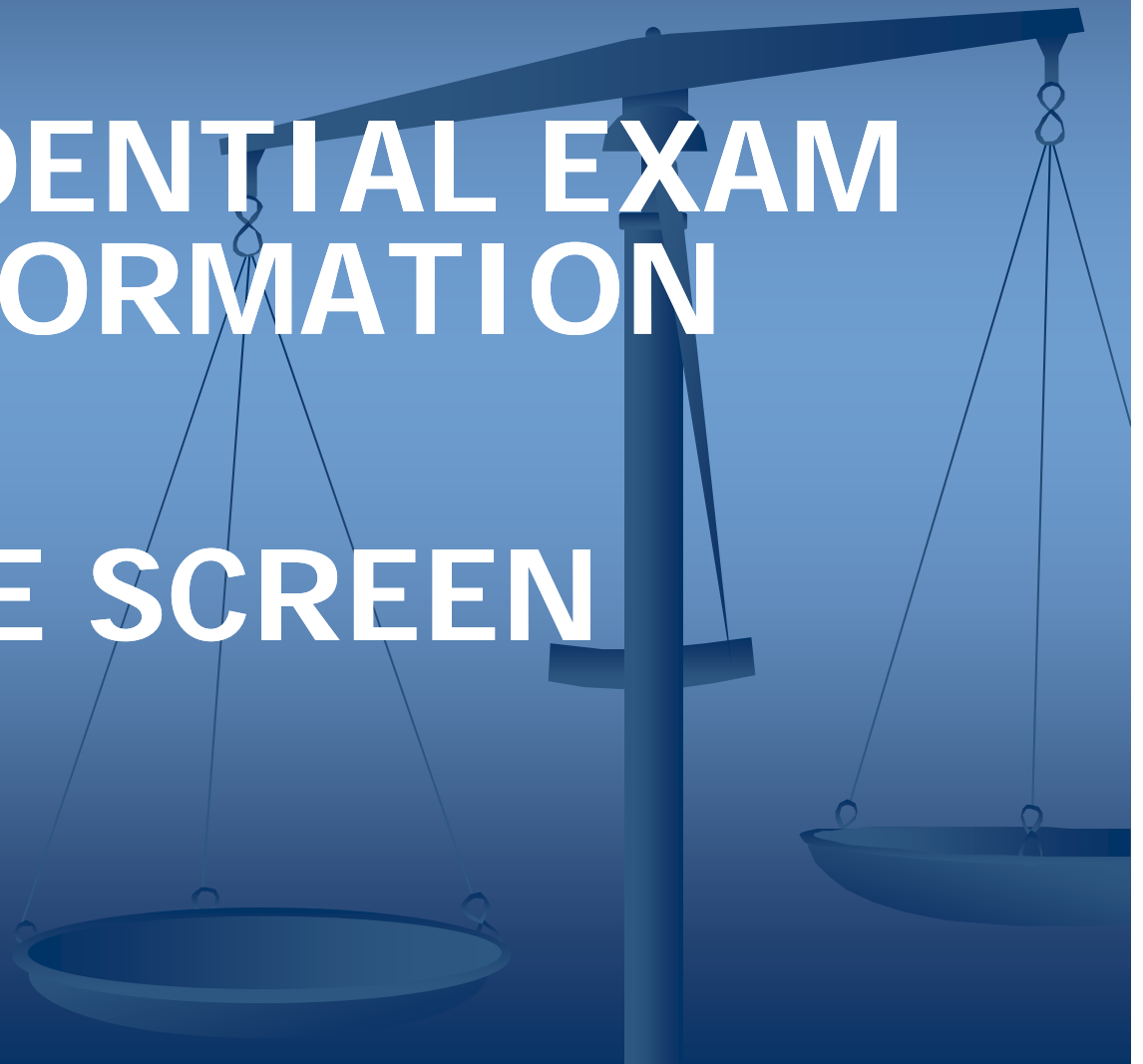
# Knowledge-Based Work Simulations (continued)

- May involve reference material
  - Can be direct or hypothetical situation questions
  - Usually one exercise to measure Written Communication
  - Main difference\* Each exercise rated separately-rater scored according to standard criteria\*
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# Example: Open – Ended Question

**CONFIDENTIAL EXAM  
INFORMATION**

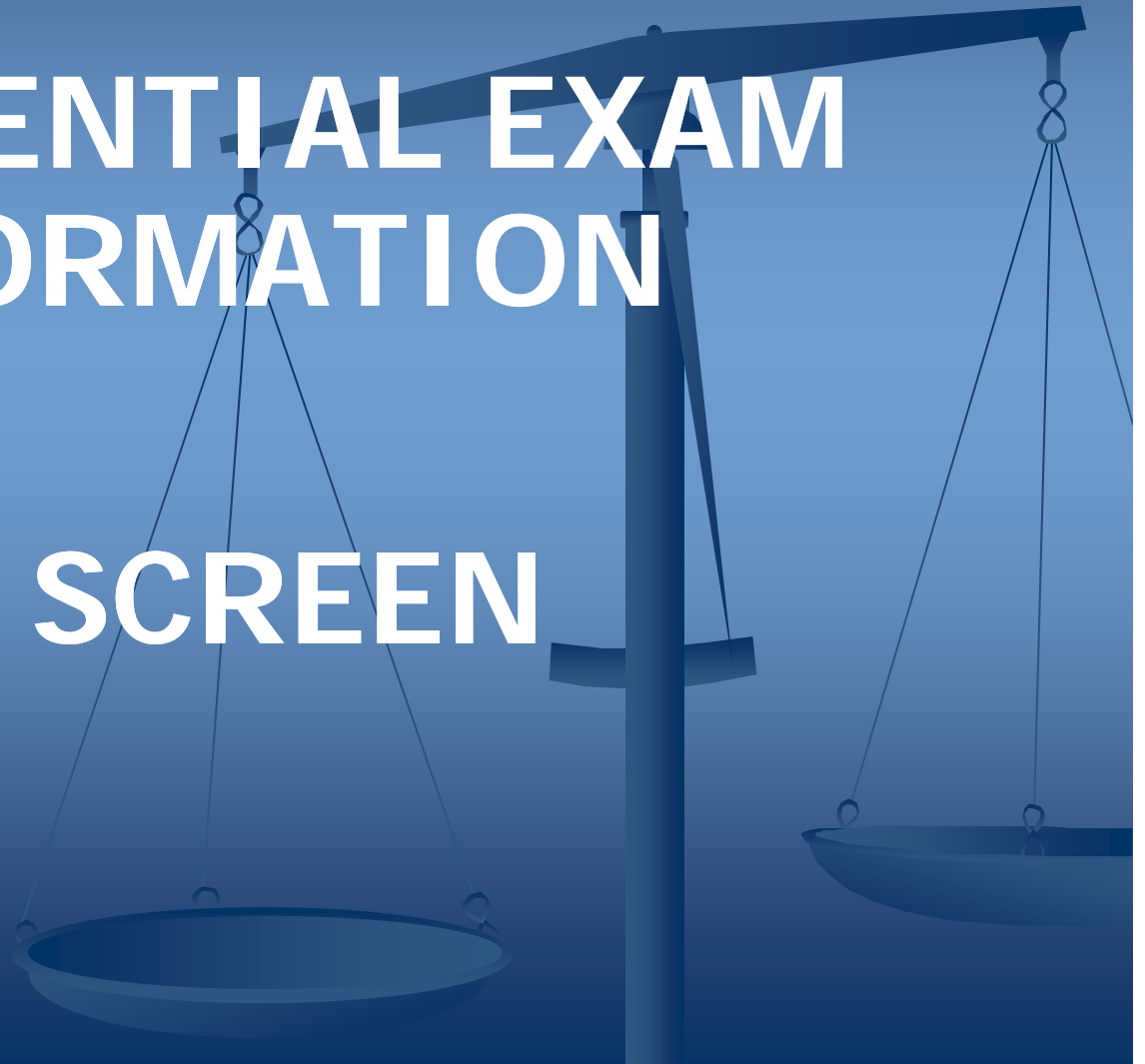
**SEE SCREEN**



# Specific Question Example

**CONFIDENTIAL EXAM  
INFORMATION**

**SEE SCREEN**





# Administering the Test



# Test Administration



- Mock Candidate Try-out
  - Confidentiality important
  - Provides feedback
  - Helps with time determination
  - Readability
- Pre-test eligibility

# Test Administration



- The role of the Proctor
  - Test Security/Verify ID
  - Troubleshooting technology
  - Material Distribution/Collection
  - Monitors the test room

# Scoring Legal Work Simulations



# Scoring

- Rating Considerations

- Qualified Raters
- Rater training
- No candidate names on rater materials



# Benchmark Considerations

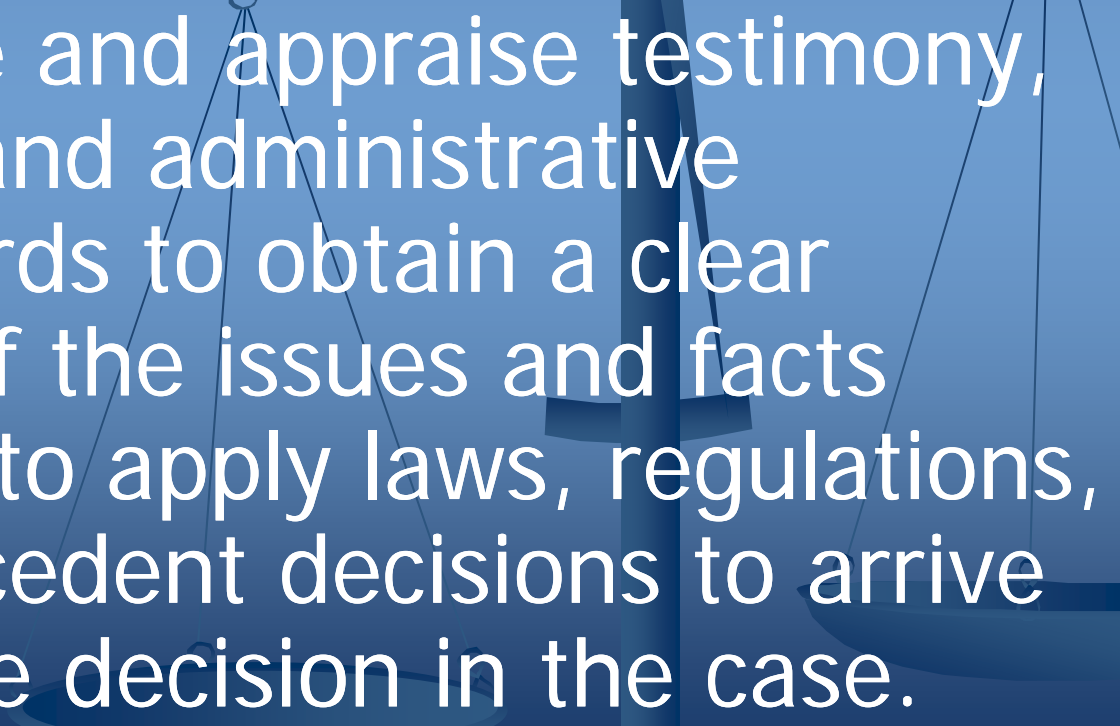
- Have clearly defined benchmarks that are:
  - specific and objective
  - valid, fair and defensible
  - operationally defined with factors and levels of performance



# Factor Definition

## Analytical Ability

Ability to analyze and appraise testimony, evidence, legal and administrative documents/records to obtain a clear understanding of the issues and facts involved; ability to apply laws, regulations, policies and precedent decisions to arrive at an appropriate decision in the case.



# Levels of Performance



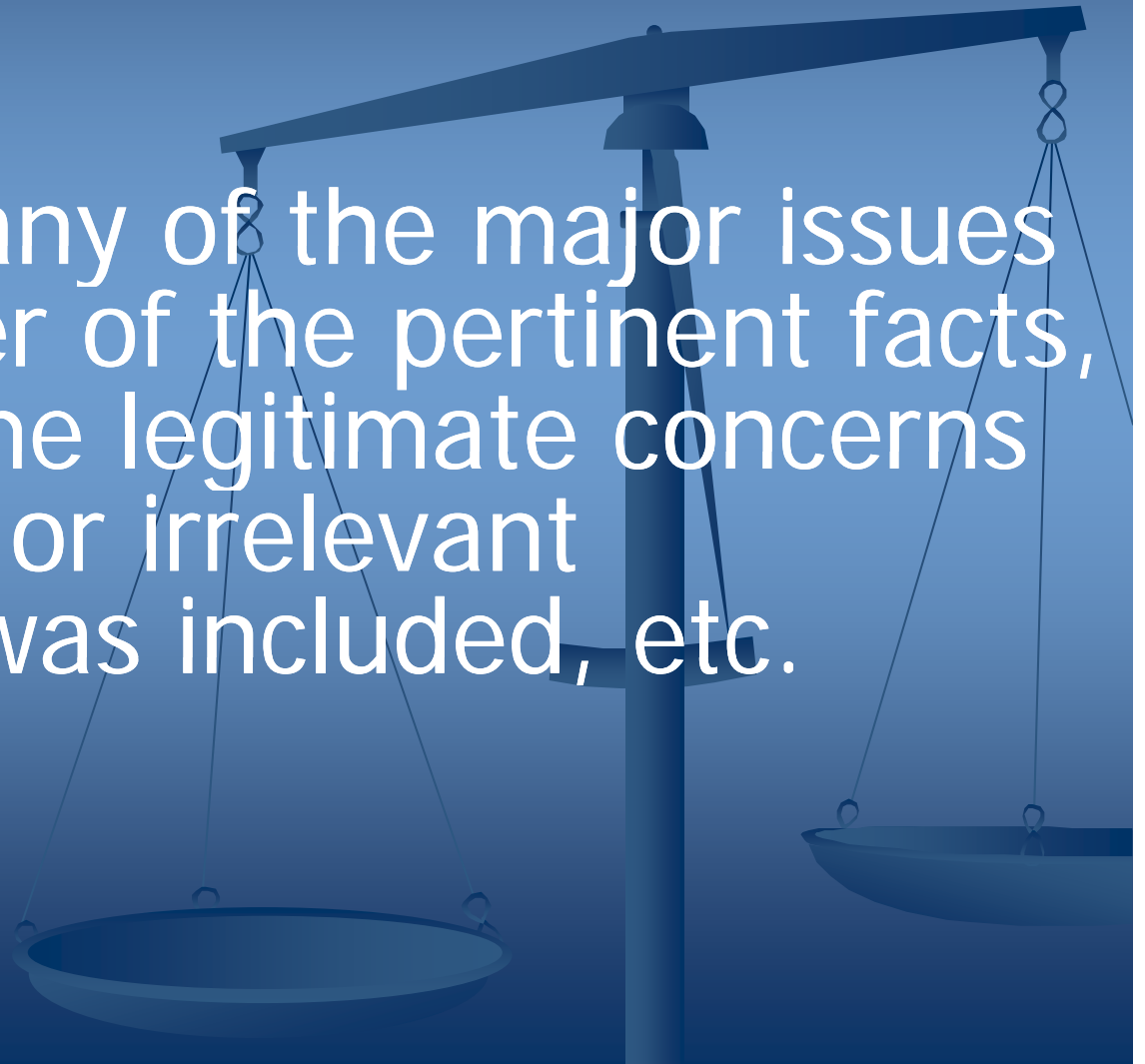
- **Outstanding – 4**
  - Identified the issues and pertinent facts; apply the appropriate sections of law, regulations, etc
- **Well-Qualified – 3**



# Levels of Performance

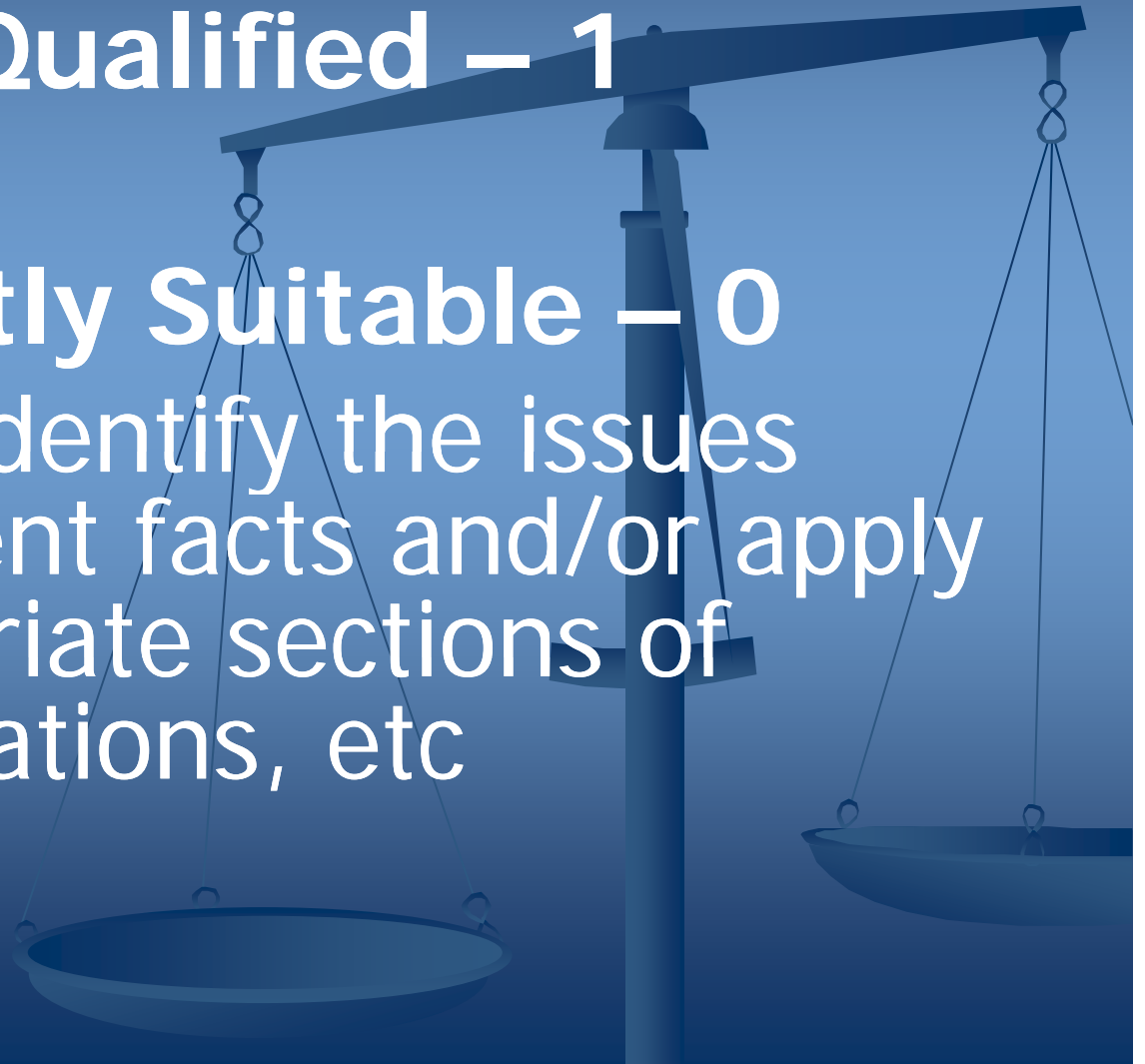
## ■ Qualified – 2

- Identified many of the major issues and a number of the pertinent facts, although some legitimate concerns were missed or irrelevant information was included, etc.



# Levels of Performance

- **Minimally-Qualified – 1**
- **Not Presently Suitable – 0**
  - Unable to identify the issues and pertinent facts and/or apply the appropriate sections of laws, regulations, etc



# Benchmark Scoring

- Use Rating Forms
- Provide Clear Rating Instructions
- Support Evaluative Statements With Examples of Candidate Behavior



# Evaluating Your Test

- Questions
- Raw Scores
- Inter-rater reliability
- Feedback
  - Raters
  - Candidates



# Advantages



- Cost-effective administration
- High candidate acceptance
- Realistic job preview
- High content validity when linked to job study
- Highly adaptable to other job titles
- Limited cheating opportunities

# Disadvantages

- Can be labor-intensive for both testing and client agencies
- Technology adaptations/limitations
- Examination Length



A silhouette of a balance scale is centered in the background. The scale consists of a vertical post, a horizontal beam, and two pans hanging from the beam. The background is a solid blue gradient. The text "Issues/Clarifications" is overlaid in the center in a white, bold, sans-serif font.

# Issues/Clarifications

# Contact



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