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FAIR JUSTICE PROJECT

REVIEW OF JUDICIAL TESTING REGULATIONS

**RECOMMENDATIONS FOR IMPROVING REGULATIONS ON
ADMINISTRATION, TEST DEVELOPMENT, SCORING, SCALING AND
ADMISSION OF JUDICIAL CANDIDATES**

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I. INTRODUCTION

The USAID Fair, Accountable, Independent and Responsible (FAIR) Judiciary Program in Ukraine began on October 1, 2011. The Project is designed to support legislative, regulatory, and institutional reform of judicial institutions in order to build a foundation for a more accountable and independent judiciary in Ukraine. Its main objectives are to support USAID/Ukraine's assistance efforts in rule of law and democracy and governance through: 1) development of a legislative and regulatory framework for judicial reform that is compliant with European and international norms and supports judicial accountability and independence; 2) strengthening the accountability and transparency of key judicial institutions and operations; 3) strengthening the professionalism and effectiveness of the Ukrainian judiciary; and 4) strengthening the role of civil society organizations as advocates for and monitors of judicial reform.

Pursuant to Expected Result 2.1, FAIR is working to strengthen the capacity of the High Qualifications Commission of Judges of Ukraine (HQC) to develop and present objective, merit-based judicial selection process through implementing of the judicial candidates anonymous test.

The purpose of this document is to make recommendations for the improvement of the testing process and procedures for the selection of candidates for judicial positions. The recommendations are based on an analysis of the regulation 'On the procedure of passing anonymous testing by candidates for judicial positions and the methodology of evaluation of outcomes' approved by the High Qualification Commission of Judges of Ukraine (HQC) on April 21, 2011 (hereafter called 'the Regulation') and organized following a general model of products and processes in standardized testing for certification and licensure, and the roles and responsibilities of stakeholders in it (Annex B).

The author is aware of the fact that in a situation of testing being organized by professional organizations for whom testing is not their core business the different roles and distribution of tasks may not be as explicit and precisely demarcated as is the case in large-scale testing assigned to big professional testing organizations. However, numbers of candidates are not small (in spring 2011 about 3500 candidates participated at the initial anonymous test), and testing is scheduled to take place in several testing centers at the same time under the same conditions (The Regulation, 1.4). Therefore I believe it is useful to analyze the Regulation issued by HQC in terms of what generally may be expected in a professional testing process and distinguish the usual roles, responsibilities and actions, to detect what essential elements are missing or defective, and arrive at recommendations for improvement.

In the following chapters first a general picture of the stakeholders and their roles and responsibilities in the testing process is given. Then key quality demands to cognitive tests for use in high-stakes situations – validity and reliability – are discussed. Also the importance of assessing non-cognitive skills for admission to judicial positions is addressed. The process, procedures and instruments used in The Netherlands for selection of candidates for judicial positions is shown as an example of assessing cognitive and non cognitive skills, and aggregating the results for the ultimate selection. Then the Regulation is analyzed following the structure of the general picture. The recommendations that emerge from this analysis and comparison with common practice in other countries are summarized in the last chapter.

II. PROFESSIONAL TESTING FOR SELECTION, CERTIFICATION AND LICENSURE

Selection and certification for professional positions are high-stakes and therefore sensitive processes. They involve chains of consecutive human decisions which may be challenged by candidates, whose futures are at stake. The testing part of the process maybe anything from an oral test to a sophisticated arrangement of pre-tested items, created according to explicit specifications and assembled into a test according to a thought-out framework. The process of test development, administration and use of outcomes has several stakeholders who all may issue and/or use specifications and procedures, and sometimes will include these in contracts or other legal documents regulating their mutual relations.

STAKEHOLDERS, THEIR ROLES AND RESPONSIBILITIES

The stakeholders in standardized testing in selection and certification to some extent resemble the stakeholders in building a house: the owner, designer, builder and user. The future owner commissions designing the house to an architect who creates specifications for a contractor who gets the work done, after which the user occupies the house and in case it is a rented house, starts paying the rent to the owner. In standardized testing there is a test owner, who commissions the development to a test provider who will involve psychometricians, test developers and administrators. The test will land on the test takers' desks or screens, their results will be processed, analyzed and scaled by the test provider and then be made available to the test user, who uses the result to decide on admission of the test taker, or the quality of education as reflected by the result of certain groups of test takers.

Sometimes different roles are in one hand, for instance the test owner may also be the test provider, or the test taker the test user, checking his own level of achievement using a standardized test. Often, however, the separation of roles of test owner, test provider and test user is desirable for the objectivity of the decision making process for which the test results are used, but also because of the specific professional expertise required for professional testing.

A test owner may decide to issue a description of the purpose of the test and leave to a professional test provider the full process of providing the required outcomes, along with proof of fitness for purpose. Because of the high sensitivity of the whole process and their responsibility towards both test takers and test users, test owners may decide to only hire the services of certified providers of proven quality and indicate that specific parts should be executed by preferential parties, for instance on-line delivery of the test, or computer scoring of results. All providers will be required to operate along well-documented and transparent lines and invest in selection and training of staff, and in continuous monitoring and improving their operations. Applied research should be part of that.

THE TESTING PROCESS

A schematic representation of roles and responsibilities of stakeholders in the testing process is given in Annex A.

The primary process starts with issuing terms of reference by the future owner of the test, stating the purpose and criteria for evaluating the expected quality of the product. The test provider translates these terms of reference into a blue print for the test, specifications for test developers and administrators and a syllabus for the test taker.

The primary products of the test provider are the outcomes of the test takers and reports generated on the basis of these outcomes. Along with the testing materials these are presented to the test owner, who, in turn, will provide these to the test user, along with guidelines for interpreting and using the outcomes. Sometimes outcomes are sent directly by the test provider to the test user.

A crucial role in the process is played by the psychometric staff and test development director of the test provider. The latter selects, trains and manages the item writers. The former looks after the calibration of items (through pre-testing), and manages the item bank. Together they produce a blueprint for the test and select items from the bank, assembling a test that reflects the blueprint. The psychometrician is also in charge of standard setting procedures, producing scaled outcomes and validation of these.

Several large-scale high-stakes tests in other countries reflect this distinction of roles and division of responsibilities. A good example is the SAT test, one of the components of the higher education admission process in the US. The owner of the test is the College Board¹. The College Board commissioned the production of the SAT test to Educational Testing Services (ETS)², a large US test provider. The agreement is ruled by a contract with detailed terms of reference for the nature of the test in terms of content, skills, item types, length etc, the psychometric quality in terms of validity and reliability, the administration, reporting and settlement of disputes (appeals filed by test takers or users). ETS sends student results directly to the test users, which are the colleges and universities students are applying to. An interesting detail is the fact that marking of the non-machine score able part of the test is commissioned by the College Board to another provider (NCS-Pearson). Routinely ETS conducts checks on test bias, student appreciation and test user satisfaction.

TEST VALIDITY

Tests are usually produced according to a blueprint which reflects the purpose of the test. In educational testing, subject content is an important component of this blueprint, but not the only one. For most purposes it is not sufficient that a candidate demonstrates to have amassed a

¹ The College Board was founded in 1900, and created to expand access to higher education. Its membership is made up of more than 5,900 educational institutions.

² ETS develops, administers and scores more than 50 million tests annually. More than 2,800 employees work at ETS's offices throughout the United States and the World.

certain amount of facts and procedures. The test should also give information about higher order cognitive skills: the ability of candidates to apply knowledge in new situations, select between relevant and irrelevant data, solve non-routine problems etc. That is why most professional test providers have developed descriptions of cognitive skills for their blueprints and label items according to categories from these descriptions. So not just ‘this item is about linear algebra’ but also: ‘this item is about solving a problem in an unusual situation’. Generally the cognitive behaviour categories can be roughly divided into two: reproducing knowledge or a performing a well-trained procedure on one hand, and ‘doing something new’, producing an outcome that you didn’t know already or for which you could not simply rely on a routine on the other. Test items, the building blocks of the test, are labelled according to content and cognitive skill the student is supposed to activate when giving a correct answer.

Behaviour	Repro A	Repro B	Production	
Subject Cont				
Living beings				8
Metabolism				6
Nutrition	2	2	4	8
Respiration				6
Motion				4
Reproduction				4
Hormones				8
...				
Totals	10	30	60	100

Figure 1 Test Matrix Biology Exam

For blueprints often the subject content and cognitive skills are taken together to construct a so called test matrix, as shown in Figure 1. In the cells are figures indicating numbers of items with certain labels. In this case only the items that have to do with one element of the content list, ‘Nutrition’ have been listed. According to the matrix there are two items assessing the reproduction of facts having to do with nutrition (Repro A) and two that require executing a procedure students were taught during classes about nutrition(Repro B). There are four items, though, for which students not just need to

bring knowledge about nutrition but use this in order to solve a new problem, to perform an operation that was not specifically taught in class, or at least not in the context in which the problem is presented. These are items that are thought to be essential when the test is going to be used to admit students to higher education. Such a test should distinguish students who will be successful in higher education from those who probably won’t.

This characteristic, usually called ‘predictive validity’ – the extent to which a test score predicts future success of students - is likely to become stronger when a sufficient number of test questions measures higher order skills and not just reproduction of facts. The numbers in the bottom row of Figure 1 (10/20/60) tell you that this test requires productive cognitive skills in answering to 60% of the items, which should make it a suitable selection tool for admission purposes. The numbers in the last column indicate the relative importance of subject components. The extent to which these meet certain target numbers, for instance reflecting time taught to these components, is called the content validity of the test.

Test matrices help to create specifications that aim at achieving validity: the extent to which the test measures what it is supposed to measure and decisions taken on the basis of the test may be justified. Content and cognitive skills are two important elements, test difficulty (not to be

confused with the level of cognitive skills) is another one. A too difficult test, or, for that matter, a too easy one, is also not suitable for valid decision making.

For all stakeholders test validity is of crucial importance: for test users to be sure the decisions they take on the basis of the test scores are well-founded, for test takers to be judged on valid criteria, for the test provider to be accountable, complying with the specifications of the test owner and for the latter to be accountable towards its clients. For high-stakes tests such as selection tests for judicial positions, validation should be part of the test development process.

TEST RELIABILITY

Tests are like rulers, the accuracy of the scores depends on the reliability of the instrument, and several measurements of the same object may lead to different outcomes. Modern ways of test analyses provide opportunities to estimate the reliability of the test and the extent to which individual items contribute to it. This reliability may be expressed as a confidence interval around scores of candidates, for instance 74 ± 3 , meaning that the score of the candidate most likely is 74, but with 95% certainty is between 71 and 77. The reliability for high-stakes tests such as selection tests for judicial positions should be high. Sound item production methods and pre-testing of items before they become part of the actual test, followed by removing items that would contribute negatively to the reliability of this test, are methods to increase test reliability.

NON COGNITIVE SKILLS

In the paragraph above ‘the test’ was assumed to be a test of cognitive skills: tests assessing aspects of the conscious thinking of candidates. In many selection, certification or licensure processes attempts are made to also include the assessment of non-cognitive skills or attitudes in the overall judgement of the fitness or eligibility of a candidate. Some often mentioned important non-cognitive attributes of candidates are perseverance, ability to focus, empathy, ability to cooperate, balance, composedness and lack of prejudice. While traditional multiple-choice tests would fail to do this, these skills or attitudes can be assessed with other methods: questionnaires, interviews, and simulations in a so called Assessment Centres. The description of the selection process of candidates for judicial positions in the Netherlands in the next paragraph mentions a couple of these techniques.

THE SELECTION OF CANDIDATES FOR JUDICIAL POSITIONS IN THE NETHERLANDS

In The Netherlands there are two routes leading to a position in the judiciary:

1. Those who hold a bachelor degree in Dutch Law and have at least two years of work experience in a legal position may be admitted to the Judiciary Training. This training takes 4 years and is a combination of work and study. The first phase is an internship with one of the courts in The Netherlands. At the end the candidate opts for a position as

³ An Assessment Centre method is a series of stations at which candidates carry out specific tasks, observed and evaluated by trained assessors. Some of these tasks involve interactions with actors, for instance the interrogation of a witness of a crime, or the examination of a patient.

judge or as a prosecutor. Then a more focussed internship of one year follows, preparing for the chosen function.

2. Those who after completing a study in Dutch Law worked for more than 6 years in a legal position may be appointed as a judge-in-training by the Judiciary Selection Commission (JSC).

Both options are described below. After successful completion of either route, the candidate is qualified to apply to vacant positions at any court in the Netherlands as a judge or prosecutor.

Two to six years work experience: Selection for Judiciary Training

The selection procedure for admission to the Judiciary Training has 6 stages:

1. Letter of Application

The JSC will screen this letter on formal aspects (right degree and background), but also on motivational aspects. With this letter also references from employers, teachers or colleagues should be submitted.

2. Cognitive Test

This is a test of analytical skills, rather than of formal judicial knowledge and should predict whether the candidate, once in the position of a judge or a prosecutor, will have the ability to analyse complex matters efficiently and correctly. The test is provided and administered by LTP, a specialized psychological consultancy agency. Candidates who score below the required minimum will not be allowed to continue the selection procedure.

3. First Interview

In a short interview conducted by a JSC member and an LTP representative a number of basic and personal (non-cognitive) skills are assessed, such as oral proficiency, balance and way of acting. Candidates are given the outcome of this assessment immediately after the interview. In case of a negative outcome the candidate the selection procedure is ended.

4. Assessment of Non-Cognitive Skills

This is a further examination of personal qualities, dedication, motivation and other aspects which are relevant for functioning in the judiciary. The examination consists of an interview, two written tests and one or two simulation tasks. The assessment is carried out by LTP. Based on the outcomes of the assessment LTP drafts a report which – if the candidates approves – will be submitted to JSC. If the outcome is positive, the procedure will be continued. If the outcome is negative, JSC will decide to continue or not, also considering the outcomes in previous stages of the procedure.

5. Second Interview

This is actually a series of two interviews with two groups of two persons each. Three of them are members of the judiciary; one is not, for instance a solicitor or a journalist. On

the day of the interviews the candidate is given a case study to which (s)he should respond. This response will be discussed during one of the interviews. Also social involvement and commitment, motivation and vision on the professions of judge and prosecutor are assessed. The JSC will judge the fitness for a judiciary position of each candidate individually, taking into account the outcomes of all stages and also the references submitted by the candidate. The outcome of this stage is given as a written advice by the JSC.

6. Final selection

After having seen all candidates the JSC will finally decide which of them will be invited for the training. If there are more applicants than places, which is usually the case, some with a positive advice will not be admitted.

The whole procedure is strictly confidential. All personal data will be anonymous and only be used for statistics, annual reports and policy analyses.

More than 6 years work experience

Those who have completed a study in Dutch Law and have more than 6 years experience in a legal position may apply to vacant training positions. This training, which is – similar to the Judiciary Training – a combination of work and study, takes 1 – 1,5 year, depending on the experience the candidate brings to the position. At the end of this period an assessment takes place. In case of a positive outcome the candidate is eligible for a position with the judiciary.

III. SELECTION AND CERTIFICATION TESTS FOR JUDICIAL POSITIONS IN UKRAINE

In the following paragraphs the information from the regulation ‘On the procedure of passing anonymous testing by candidates for judicial positions and the methodology of evaluation of outcomes’, is analyzed in terms of the general picture sketched above and an attempt is made to indicate areas that need further attention and issues that are not or not sufficiently addressed.

STAKEHOLDERS

The test owner is the State, represented by the High Qualifications Commission of Judges of Ukraine (HQC). The test provider is also the HQC, jointly with the National School of Judges of Ukraine (NSJ) and with a possible involvement of university law schools. The test takers are ‘candidates to judicial positions’. The test user is the HQC, which decides whether a candidate will be admitted to the one-year training for certification as a Judge. The HQC also takes charge of the administration of the test in various testing centres across Ukraine.

In this setting, the general picture as outlined in Annex A. A, with its separate responsibilities and accountability from provider to client does not apply. It is the HQC who provides and administers the tests and uses the outcomes for admission decisions, but also the authority to which appeals should be submitted. This makes it unlikely for the only other stakeholder, the test

taker, that appealing against any of the aspects of the process, be it the quality of the test, the administration or the standards applied in the evaluation of results, will receive an unbiased evaluation. For the HCQ it will also be difficult to deal with any comments on the quality of the process, because they cannot hold a provider accountable. At the same there is no need to produce strict and elaborate directions for providers by way of test blueprints, nor is there an incentive for providers to continuously improve quality, not to be replaced by another provider. All forces that work together in Annex A. A and described in The Testing *PROCESS* on page 6, driving quality improvement and maintaining checks and balances, are absent in the anonymous testing of candidates for judicial positions in Ukraine.

TEST VALIDITY

The Regulation stipulates that the anonymous testing is ‘one of the stages of the procedure of appointment to judicial positions for the first time’. Other stages seem to involve a candidate’s background check, and inspection of specific documents candidates have to submit to the HQC in order to participate in the selection, but do not include any testing or other assessments. In view of this and judging from the format of the test as demanded by the Regulation and the nature of the actual test items, the validity of the procedure and the specific test may be questioned. Existing practices in other countries – see for instance the description of the selection process in the Netherlands on pp 8-10 – suggest that a valid procedure should include a careful and thorough assessment of non-cognitive skills and personality aspects, presently absent in the Ukrainian situation. Of course it is likely that also in Ukraine at some point in the selection process an interview will take place. To make any validity claims these should be carefully structured, providing information to decide on well-elaborated criteria which will be the same for all candidates. Engaging a professional agency would definitely help to meet these demands. The current HQC cognitive test focuses on reproduction of judicial knowledge in a number of fields, specified in article 3.3. and as such lacks predictive validity. After all, it is not so much the level of knowledge that will define someone’s fitness for a judiciary position, but the ability to apply this knowledge in analyzing the complex situations (s)he will be faced with as a judge or prosecutor, and the efficiency and accuracy of using it in coming to a verdict or indictment.

TEST RELIABILITY

The Regulation does not mention a psychometric evaluation of the quality of the instrument used. As doubts on the reliability of the test or malfunctioning of individual items might be a valid ground for candidates to file an appeal against the received score, a thorough psychometric control should be part of the validation of procedure and instruments.

TEST PRODUCTION

Other than that ‘Test tasks shall be developed by the High Qualification Commission of Judges of Ukraine jointly with the National School of Judges of Ukraine’ and that ‘Higher legal educational establishments may be involved in the process of development of test tasks.’ (par. 3.2) the regulation does not specify how the test development process is organized. Important issues such as guidelines for item writers (apart from 3.3), teamwork, rules for the review process, and pretesting before allowing an item to become part of a live test, are not addressed. All these are important in view of the validity and reliability requirements mentioned above.

TEST SECURITY

The Regulation has ample provisions to maintain test security during the administration, but is less explicit in how this will be achieved before and after.

Before

Paragraphs 3.8 and 4.5 specify that the HQC and its secretariat will maintain strict confidentiality during production and preparations for administration, but not how, for instance by provisions for limited access to the item bank, confidentiality statements to be signed, exclusions of staff and external co-workers who have relatives applying for the selection process, etc. Also applicable law (is disclosure an offense or a criminal act?) and sanctions on breaking this law should be mentioned.

During

Paragraphs 2.3, 2.4 and 5.3, 5.6 and 5.13 have to do with the behaviour of candidates to prevent cheating, and sanctions on infringements of rules. Possible illegal conduct of administrators however, for instance helping candidates – one of the main issues in high-stakes testing situations in many countries – is not addressed.

The main measure to keep students from cheating is using variants, and not one version of the test. It should be mentioned that creating variants by changing the order of items, or – worse – changing the order of the options in individual items, creates unequal situations for candidates and incomparability of results. Research has proven that the order of items and the order of the options influence the difficulty of the test. Of course using entirely different items would even aggravate the problem. It would be better to use only one variant for sessions taking place at the same time and prevent cheating by strict proctoring and physical barriers to copying (e.g. positioning of, and distance between tables).

After

An important measure to prevent illegal manipulations with answer sheets after the administration, for instance aiming at (dis)advantaging specific candidates, is the anonymity of the sheets by bar-coding them (par. 5.9), thereby making it impossible to retrieve answer sheets of specific candidates without knowing their bar code. The Regulation does not explain the use of bar codes, and does not specify that from the registration forms a file is to be built linking names to bar codes and that access to this file is limited to only one or two persons in charge of preparing the final scores.

INFORMATION FOR CANDIDATES

The Regulation states in paragraph 2.1 that ‘ During the testing the candidate shall be entitled to: (2.1.1) Courteous and unbiased treatment.... ; (2.1.2) Safe testing conditions; (2.1.3) Access to information about the aim of testing, form of test tasks, procedures for administration, time and venue and the way results will be communicated.’ It is likely that what is mentioned under 2.1.3. is meant to be provided before, not during the test. In the information available to all applicants also sample items should be included.

TESTING CONDITIONS

Apart from well-lighted and heated rooms with good desks, minimal noise and movement and sufficient assistance to provide water or guide students to toilets, having all students optimally informed, and all in the same way, is an important prerequisite for creating optimal conditions. This may be done by drafting a protocol and reading it aloud before the start of the actual test. Such a protocol may contain rules of behaviour, sanctions, information about facilities and what to do in cases of emergency.

TEST AND ITEM ANALYSIS

Test scores are obtained by scanning and computer-scoring of the optically readable forms on which candidates indicate their answers. Section VI, which is about processing the test results, does not require a full statistical test and item analysis, which may reveal defects in the test or individual items, which should be taken into account when candidate scores are generated. Another issue is the equality of scores coming from different tests (for different variants of the same test: see above in Test Security). Section VII suggests that the only criterion for being selected is the position in the rank order of test scores in one specific selection round. If that is true, there should be no problem. If candidates may use their test result in next selection rounds (as was the case in an earlier draft of the Regulation), there is one. In that case there should be a way to put scores on different tests on the same scale, to make them comparable and use them in rank-ordering. Modern approaches in test design and statistical analysis of test scores provide the means to do this.

APPEALS

An earlier draft of the Regulation had an article dealing with appeals. Such an article is now absent, apart from the right of the candidate to ‘get acquainted with his/her test materials’ (8.2, 8.3). It is recommended to have an independent Board of Appeals, make the requirement of establishing this part of the Regulation and include rules about appealing against any instance of alleged unfair treatment, and how these will be dealt with.

IV. RECOMMENDATIONS

Following is a summary list of specific recommendations for improving the Regulation ‘On the procedure of passing anonymous testing by candidates for judicial positions and the methodology of evaluation of outcomes’:

1. HQC should not rely on a single multiple choice test but consider introduction of constructed response items (e.g. case studies) and ways of assessing non-cognitive skills, and make these part of a more complex procedure for admission of candidates to initial training as a judge. For an example of such a procedure see ‘The selection of candidates for judicial positions in The Netherlands’ on page 8 of this report.

2. The regulation is unbalanced in the sense that it is fairly explicit in certain respects, as for instance concerning procedures in the testing rooms, but rather reticent in others, such as the blue print of the test. It is in fact a mix of a policy paper and a technical manual. It might be considered to separate these by creating a formal Regulation, specifying policy, the issues that stem from it and the formal rules needed to regulate, but referring to a Technical Manual for the operational elaboration of these rules. For instance in the Regulation might stipulate the following:
 - The administration of the test will be conducted under strict enforcement of confidentiality, guaranteeing protection of candidates against any external influences that might have an effect on their scores. To this effect, the HQC will publish a protocol for the administration of the tests, including rules of behaviour for candidates, proctors and the anonymity of answer sheets.
3. The precise protocol and rules of behaviour should be included in the Technical manual.
4. According to the Regulation HQC and NSJ are jointly responsible for test development and administration. HQC and NSJ should agree on a clear division of tasks and draft a formal arrangement, the HQC assuming the position of test owner and user, the NSJ the position of the test provider. In the following recommendations it will be assumed that such a division of tasks and responsibilities has been agreed.
5. HQC and NSJ should agree on the nature of the Terms of Reference that HQC would give to NSJ. These ToR should be such that NSJ might be held accountable for security and the quality of the test in terms of validity and reliability, but should leave technical and psychometrical aspects of test construction (including pretesting) and administration to the discretion of NSJ. The NSJ should be responsible for the terms of reference for any staff external to NSJ and HQC taking part in test production and/or administration. These ToR should contain rules of behaviour and sanctions on misconduct, the requirement to sign a confidentiality statement and specify levels of access to confidential materials.
6. Development of a syllabus for test takers should be part of the ToR. All information relevant to preparing, registering, and taking the test, receiving scores and appealing against assigned scores should be available in printed and digital format at all times before and after the test.
7. NSJ should design and describe its procedures for test development in such a way that HQC may ascertain that NSJ applies professional methods.
8. Both test development procedures and statistical analyses need to be improved. For this purpose NSJ should formally create two crucial positions in the test development process: the position of test development director and the position of psychometrician; and staff these with adequately trained experts.
9. NSJ should develop criteria for hiring item writers. Crucial criteria are

- (a) Current knowledge and experience in the field (so rather practicing judges than academics or administrators; also see c. below).
 - (b) Creativity (can only be assessed in practice, by submitting exemplary items or observation during trial period).
 - (c) Ability to cooperate (academics excelling in a specific field are particularly UNFIT for a position in a team of item writers).
10. NSJ should develop a training program for item writers and a plan for managing them. Important aspects are peer reviews and outcome-based feedback. A properly-designed item bank will prove to be an important tool in the management of the item creation process.
 11. HQC should not take active part in the administration, in order to keep its independence as the Test Owner, and also in view of its responsibility for establishing a Board of Appeals.
 12. HQC and NSJ should work together developing standard setting⁴ and equating methods⁵ and start to use scaled scores for admission decisions rather than a raw score. The procedures should be such that all scores from different administrations can be projected onto one scale, and students may keep their scores (or choose the best one from different administrations) for next admission rounds.
 13. Immediately upon the administration of tests NSJ should conduct a full statistical test and item analyses and produce a technical report on the quality of tests and items for HQC. HQC should take this report into account when taking admission decisions.
 14. Candidates should be given the opportunity to appeal against all aspects of the testing process that may lead to an unfair assessment of their knowledge and skills, and should have access to all information needed to prove their case, including their test forms or computer logs taken while taking a computerized test.

⁴ Standard setting methods are methods to agree on interpretation of raw scores. In certification for instance, it would be the method to agree on which score is just sufficient to award the certificate. In tests to evaluate the level of education in a country, standard setting methods are used to agree on which score ranges show a certain level of knowledge and understanding (for instance basic, proficient, advanced). There are a number of well-researched and described standard setting methods to guide a panel of experts to agreement on such standards for interpretation. HQC should use such a method to agree on which raw score should be the minimum achievement for admission to judicial training.

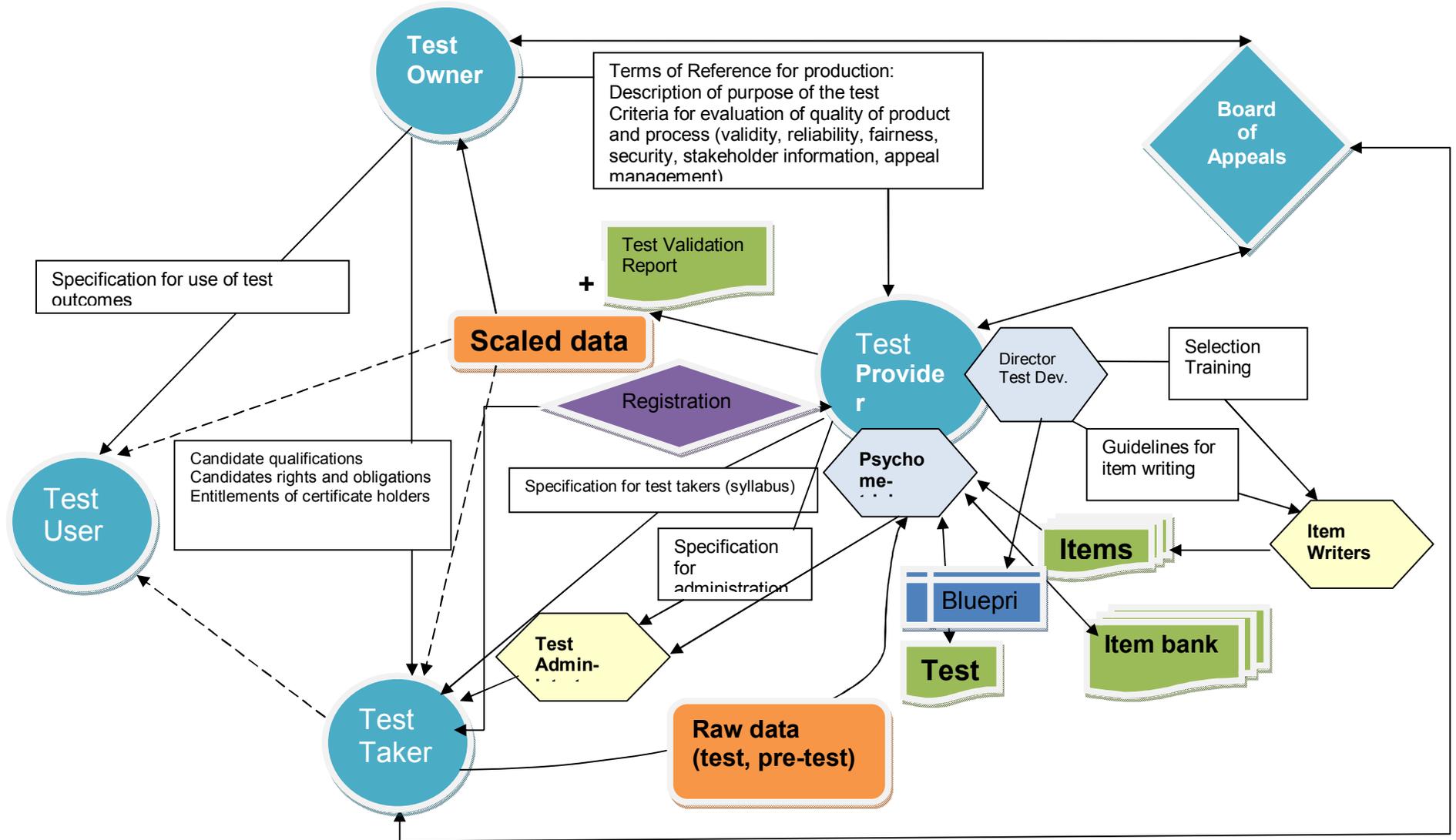
⁵ Equating methods are methods used to make sure that scores on one test can be compared to scores on another test. A score of say 45 on test A does not necessarily mean the same thing as 45 on test B. Test B may for instance have been easier than test A, and in fact a score of 50 on B has the same 'value' as 45 on A. A standard setting method may be used to agree on the equivalence of minimum pass scores on different tests. In many cases statistical methods may be used to create tables that show for all scores which score on test A is equivalent to which score on test B. With modern statistical techniques, scales may be developed to which scores for different tests may reliably be converted. In many cases students receive their raw scores and their scaled scores, and know that decisions are taken on the basis of the scaled score. For instance 45 on test A and 50 on test B are equivalent to 525 on a common scale, which ranges from 450 to 600. Now assume that 525 is the minimum scaled score for receiving a certificate. A raw score of 45 on test A will be enough to get it, but 45 on B is not enough. On test B you should at least score 50 for a scaled score of 525.

V. CONCLUSIONS

With the adoption of the Law on Judiciary and the Status of Judges in Ukraine was implemented initial anonymous test of candidate judges as a new objective and fair tool for merit-based selection. However, its implementation without following internationally recognized testing methodology and standards could lead to the misuse of this tool and false results.

Implementation of these Assessment Report recommendations will ensure a validated, transparent, and objective judicial testing mechanism for vetting qualified judicial candidates. It will contribute to a fundamental reform of the Ukrainian judicial selection system by introducing merit-based performance standards and generating the data necessary to competitively rank applicants according to their ability. It thereby will minimize the effect of discretionary selection practices and the political influence that historically have been both pervasive and counter-productive to efforts to create a competent and respected judiciary.

ANNEX A: STAKEHOLDERS, SPECIFICATIONS AND PROCEDURES IN THE TESTING PROCESS



ANNEX B

APPROVED

Decision of the High Qualification Commission of Judges of Ukraine of April 21, 2011

REGULATION

On the procedure of passing anonymous testing (examination) by candidates to judicial position and the methodology of its evaluation

This Regulation is developed according to the Law of Ukraine ‘On the Judiciary and Status of Judges’ (hereinafter referred to as the Law), Regulation on the Procedure of Issues Consideration and Preparation of the Materials Regarding Selection of Candidates to Judicial Position for the First Time, approved by the Decision of the High Qualification Commission of Judges of Ukraine of March 16, 2011, and shall determine the principles and procedure of passing anonymous testing (examination) (hereinafter referred to as testing) by candidates to judicial position (hereinafter referred to as the candidates) in order to define the level of general theoretical knowledge of law, as one of the stages of the procedure of appointment to the judicial position for the first time, as well as shall regulate the procedure of evaluation and defining the results of testing.

I. General provisions

1.1. Testing shall be passed by the candidates who comply with the established requirements to the candidate to judicial position and are admitted to the test passing.

Procedure of admission by the High Qualification Commission of Judges of Ukraine to the test passing shall be established by the Regulation on the Procedure of Issues Consideration and Preparation of the Materials Regarding Selection of Candidates to Judicial Position for the First Time.

1.2. The aim of carrying out testing shall be objective evaluation of the candidates’ level of general theoretical knowledge of law.

Objectivity of carrying out testing shall be ensured by level conditions for the candidates regarding date of testing, its duration, number and level of complexity of test tasks, uniform criteria of test evaluation and openness of information about its results.

1.3. Testing shall consist in accomplishing by the candidate a test task which includes a determined within the procedure stipulated by this Regulation list of questions according to the

Program of anonymous testing (examination) of candidates to judicial positions in order to define the level of general theoretical knowledge of law, with variants of answers among which only one is correct.

1.4. Testing of the candidates shall be carried out by the High Qualification Commission of Judges of Ukraine. Testing shall start and end simultaneously for all the candidates regardless of the venue. Date, time and venue (venues) of testing shall be defined by the High Qualification Commission of Judges of Ukraine.

1.5. Authorized subjects to ensure organizational preparation for carrying out testing and performing functions of administrative and regulatory nature shall be:

1.5.1. members of the High Qualification Commission of Judges of Ukraine and staff of the Secretariat of the High Qualification Commission of Judges of Ukraine;

1.5.2. authorized representatives of the High Qualification Commission of Judges of Ukraine from among research and educational personnel of higher educational establishments (hereinafter referred to as the authorized representatives).

1.6. Testing shall be carried out at testing venues defined by cooperation agreements between the High Qualification Commission of Judges of Ukraine and higher educational establishments.

Setting up testing venues, requirements to their arrangement and organization of work on the testing day shall be defined by the High Qualification Commission of Judges of Ukraine upon coordination with the higher educational establishments who provide cooperation regarding organization of events on appointment to judicial position for the first time (hereinafter referred to as the higher educational establishments).

1.7. Testing shall consist of four stages:

- Development and approval of test items;
- Organizational preparation for testing;
- Passing the test;
- Processing testing results.

1.8. Documents regarding formalization of the testing process shall be prepared and filled in by the authorized subjects to ensure organizational preparation for carrying out testing and performing functions of administrative and regulatory nature.

1.9. After carrying out testing the High Qualification Commission of Judges of Ukraine shall process and formalize testing results according to the procedure stipulated by Section VI of this Regulation and based on the results of tests passed by the candidates shall make a decision on admission of the candidates to the next stage of appointment to judicial position for the first time

II. Rights and duties of the candidates

2.1. During testing the candidate shall be entitled to:

2.1.1. Courteous and unbiased treatment on the part of the persons responsible for organizing and carrying out testing.

- 2.1.2. Safe testing conditions.
- 2.1.3. Access to information about:
 - aim of testing;
 - form of test tasks;
 - procedure of passing the test;
 - time and venue of testing;
 - way and time of notifying about the testing results.

2.2. During passing the test the candidate shall be obligated to:

- 2.2.1. Familiarize with information about procedure of test passing.
- 2.2.2. Courteously treat persons who organize, carry out or participate in testing.
- 2.2.2. Timely arrive to the defined by the High Qualification Commission of Judges of Ukraine testing venue with documents necessary for test passing, listed in point 5.1. of Section V of this Regulation.
- 2.2.3. Adhere to instructions and requirements of the authorized subjects to ensure organizational preparation for carrying out testing regarding testing procedure.
- 2.2.4. Hand the answer sheet in to the authorized representatives immediately after announcement about the end of testing.
- 2.2.5. Not bring dangerous objects and substances which may pose a threat to the testing participants' life and health to the testing venues, hinder the testing process.

2.3. During passing the test the candidate shall be strictly prohibited from:

- 1) using any sources of information;
- 2) communicating with other candidates;
- 3) accomplishing the test task instead of other candidates and/or giving his/her test task to be accomplished by other candidates;
- 4) allowing other candidates to use answers to the test task or attempting to use answers to the test task of other candidates him-/herself;
- 5) using any electronic devices, including mobile phones;
- 6) leaving the room and building of the testing venue without permission of the member of the High Qualification Commission of Judges of Ukraine who is present at the testing venue;
- 7) making a copy of a test assignment, carrying the test assignment out from the room where the testing is carried out;
- 8) violating the rules of discipline and common rules of conduct during testing.

2.4. In case of violation of the requirements stipulated by the subpoints 2.2.4.-2.2.6. of this Regulation the candidate shall be deprived of a right to continue work on test items and upon the request of the members of the High Qualification Commission of Judges of Ukraine present at the testing venue shall be obliged to hand in the answer sheet and leave the room where the testing is carried out.

III. Test items development and approval procedure

3.1. Development and approval of test items shall be performed on a basis of the Program of anonymous testing (examination) of candidates to judicial positions in order to define the level of general theoretical knowledge of law, which shall be approved by the High

Qualification Commission of Judges of Ukraine.

3.2. Test tasks shall be developed by the High Qualification Commission of Judges of Ukraine jointly with the National School of Judges of Ukraine. Higher legal educational establishments may be involved in the process of development of test tasks.

3.3. Test items shall be prepared in the official language and shall contain the tasks to define the level of general theoretical knowledge of law. A set of test items shall form a test database which must contain items on the following disciplines:

- 1) Theory of state and law;
- 2) Constitutional law;
- 3) Convention for the Protection of Human Rights and Fundamental Freedoms and decision of the European Court of Human Rights;
- 4) Civil law;
- 5) Civil proceedings;
- 6) Criminal law;
- 7) Criminal proceedings;
- 8) Economic law;
- 9) Economic proceedings;
- 10) Administrative law;
- 11) Administrative proceedings;
- 12) Labor law.

3.4. Test items and variants of answers should be formulated clearly and should not raise doubts regarding their interpretation. Each test item shall have not more than 4 variants of answers, among which only one is correct.

3.5. The High Qualification Commission of Judges of Ukraine shall conduct regular update of the Program of anonymous testing (examination) of candidates to judicial positions in order to define the level of general theoretical knowledge of law, test database, in particular in case of termination or changes of legal norms being a basis of test items.

3.6. The High Qualification Commission of Judges of Ukraine shall ensure regular approbation of test items which are a part of the test database in order to verify their reasonability and adequacy in defining the sufficient level of theoretical knowledge of the candidates to judicial position.

3.7. 100 items shall be randomly selected from a test data base with the help of special software to form a specific test to be passed by the candidates. 5 test variants shall be formed from the selected test items. The selected test variants shall be formalized in a form of test sheets.

Organization of software development to compile a test variant shall be ensured by the High Qualification Commission of Judges of Ukraine.

3.8. Preparation of test items, compilation of test variants, and organization of production of test sheets shall be performed by the High Qualification Commission of Judges of Ukraine under

conditions of strict confidentiality. Any form of disclosure of confidential information about test database and test contents shall be strictly prohibited.

3.9. Printing test assignments and their arrangement, printing answer sheets, organization of delivery of packages with test materials to the testing venues shall be ensured by the High Qualification Commission of Judges of Ukraine.

IV. Organizational preparation of testing

4.1. The High Qualification Commission of Judges of Ukraine shall make a decision on admission of the candidates who comply with the established by the Constitution of Ukraine and the Law requirements for the candidate to judicial position, to test passing and shall define date, time and venue (venues) of testing.

4.2. Decision of the High Qualification Commission of Judges of Ukraine on admission of the candidates to test passing shall be placed at the web-portal of the High Qualification Commission of Judges of Ukraine not later than 10 days before the testing date.

Information about the date, time and venue of testing shall be placed at the official web-site of the High Qualification Commission of Judges of Ukraine and published in the newspapers ‘Golos Krayiny’ (‘Voice of the Country’) or ‘Uriadovyi Kurier’ (‘The Governmental Courier’).

4.3. General control on carrying out testing at the testing venue, resolution of contingencies and conflict situations, coordination of actions during preparation for and carrying out testing shall be conducted by the members of the High Qualification Commission of Judges of Ukraine and staff of the Secretariat of the High Qualification Commission of Judges of Ukraine.

4.4. Organizational preparation and carrying out testing itself, ensuring compliance with the procedure of test passing in the rooms shall be performed by the authorized representatives.

4.5. The Members of the High Qualification Commission of Judges of Ukraine, staff of the Secretariat of the High Qualification Commission of Judges of Ukraine, authorized representatives shall be held liable for disclosure of confidential information regarding carrying out testing according to the current legislation of Ukraine.

V. Test passing

5.1. The candidate admitted to test passing must attend testing at the venue, on the date and time defined by the High Qualification Commission of Judges of Ukraine according to the point 4.2. of this Regulation, and with passport or any other document which pursuant to the current legislation proves the candidate’s identity.

5.2. Prior to the testing the authorized representatives shall check the attendance of the candidates according to the register of persons admitted to test passing, and make registers of persons who failed to come to the testing.

5.3. The candidate who shall not exhibit the document proving his/her identity, shall be considered as one who did not come to the testing and shall not be admitted to passing it.

5.4. Testing shall be passed by the candidates in the room access of other persons to which shall be limited. One can enter the facility during testing and leave it only upon permission of the member of the High Qualification Commission of Judges of Ukraine who is present at the testing venue.

5.5. The candidate who shall be late for testing, may be admitted to test passing by the member of the High Qualification Commission of Judges of Ukraine who is present at the testing venue, but shall only use the time available to the end of the testing.

Any additional time shall not be provided, whereof a candidate shall be notified before receiving test assignment and answers sheet.

5.6. The candidates shall be prohibited from wearing outerwear, having bags, backpacks etc., books or other materials in hard copy, mobile phones, pocket computers, video, photo devices, electronic communication devices and other similar things in the testing room.

The candidates who carry such things to testing shall be obliged to leave them in an area designated by the authorized representative.

In case the candidate refuses to comply with the requirements of the first and second paragraphs of this point, such candidate shall not be admitted to test passing, whereof the authorized representatives shall make an act (report) on candidate's refusal to take anonymous test.

5.7. Prior to the passing the test the authorized representatives shall notify the candidates about the general procedure of test passing.

5.8. After notifying the candidates about the general procedure of test passing the authorized representatives shall open the packages with test assignments in the presence of the candidates and together with answer sheets shall hand them out to the candidates.

During handing the test assignment and answer sheet out the first two parts of stickers with the bar code shall be stuck to them, the third part of it shall be stuck opposite to the surname of the candidate in the test room register (Annex 1).

5.9. Testing shall be carried out in hard copy. Each candidate shall be provided with a test assignment and an answer sheet (Annex 2). Test assignment and answer sheet of the candidate shall be ciphered by sticking special bar codes and shall not contain any other identification information.

5.10. The candidate who received a test assignment must make a relevant mark at the answer sheet regarding the test variant number to be passed. The number of each test variant can be found at the cover page of the test assignment.

5.11. Test passing shall consist in making a tick on an answer sheet in a box opposite to a correct variant of answer to each question. The candidate may correct the already given answer by making a tick in a field for corrections.

5.12. Duration of test passing shall comprise 180 minutes.

5.13. During the entire testing process candidates shall be allowed to use and have on their desks only test assignments, answer sheets, and a pen with blue or black ink.

5.14. The authorized representatives who supervise the testing process and find out violation made by the candidate, shall prepare an act (report) on dismissing the candidate from

anonymous testing (examination) (Annex 3).

The authorized representative shall make a relevant mark indicating about dismissal of the candidate from the testing and specify time of dismissal at the answer sheet of such a candidate.

In case specified by the first paragraph of point 5.14 of this Regulation the candidate shall be deemed as such who failed the test, regardless of quality and content of the answers provided.

5.15. During the whole testing procedure the candidate shall have a right to refuse to pass the test, including without giving any explanations about reasons.

Should the candidate announce about refusal to pass the test, the authorized representatives shall make an act (report) on candidate's refusal to take anonymous test (examination) (Annex 4).

The authorized representative shall make a relevant mark indicating about refusal of the candidate to pass the test and specify time of refusal at the answer sheet of such a candidate.

This candidate shall be deemed as such who failed the test, regardless of quality and content of the answers provided.

5.16. As the time allowed for testing passing runs out, the authorized representatives shall announce about the end of testing, whereafter the candidates shall be obligated to stop the work on test assignments and hand their answer sheets in to the authorized representatives.

5.17. While collecting the answer sheets the authorized representatives shall check them for damages and proper formalization (availability of all marks envisaged in the form).

Should improper formalization and/or damage of an answer sheet have been revealed during their collection, the act (report) on dismissing the candidate from anonymous test (examination) shall be made.

The candidate with regard to whom an act (report) on dismissing the candidate from anonymous test (examination) was made shall be deemed as such who failed the test, regardless of quality and content of the answers provided.

5.18. Right after collection of the documents listed in point 5.17 of this Regulation from the last candidate in the room, the authorized representatives make an act (report) on sealing the envelope with test materials (Annex 5).

Testing materials shall be packed by the authorized representatives in a package to be sent back, and submitted to the member of the High Qualifications Commission of Judges of Ukraine and staff of the Secretariat of the High Qualifications Commission of Judges of Ukraine to be prepared for sending to the High Qualifications Commission of Judges of Ukraine with the aim of consideration of testing results.

VI. Processing test results

6.1. Processing test results shall take place in the following stages:

- High Qualifications Commission of Judges of Ukraine receives packages with test papers/test materials from the testing venues;
- computer scanning of answer sheets filled by the candidates takes place;

- data received following the procedure stipulated by par. 6.6. of this Regulation is evaluated;
- the test results are posted on the official web-portal of High Qualifications Commission of Judges of Ukraine.

6.2. Upon receiving a package of answer sheets the responsible person from Secretariat of High Qualifications Commission of Judges of Ukraine in the presence of members of High Qualifications Commission of Judges of Ukraine strictly complying with the prescribed sequence of actions shall:

- open a package with test papers/materials;
- write and sign the Act/Report on opening the packages with test materials (Annex №6).
- start procedure of processing test results.

6.3. High Qualifications Commission of Judges of Ukraine shall ensure that answer sheets are scanned with the help of computer hardware and software (herein after — automated system), which allows computerized calculation of correct answers and allows to determine the overall score of each candidate.

6.4. The answer sheets of candidates, who refused to take the test, were dismissed from taking test, or whose answer sheets had marks/notes in addition to answers to test questions shall not be scanned.

6.5. Calculation of correct answers by automated system shall be carried out based on the following principles:

- each correct answer to one test question gives 1 point;
- wrong answer is 0 points;
- all points are summed up.

6.6. After completion of the procedure envisaged by par. 6.1 - 6.5 of this regulation the responsible/assigned structural unit of Secretariat of High Qualifications Commission of Judges of Ukraine shall print with the help of computer the data on the basis of which High Qualifications Commission of Judges of Ukraine shall evaluate the test results.

Personification of the test results shall take place after all answer sheets are processed and the score of each test participant is calculated.

VII. Methodology for evaluating the test results

7.1. The test results are generated by High Qualifications Commission of Judges of Ukraine as a list of candidates who scored sufficient number of points and successfully passed the test.

7.2. When determining the number of points sufficient to recognize the candidate as such that successfully passed the test, High Qualifications Commission of Judges of Ukraine shall take into account the following criteria:

- forecast/expected number of vacancies;
- total number of candidates who sat for the test;

- anonymous test results

7.3. The list of candidates who successfully passed the test shall be approved by the decision of High Qualifications Commission of Judges of Ukraine based on evaluation of data received following the procedure envisaged by par. 6.6. of this Regulation.

7.4. Decision of High Qualifications Commission of Judges of Ukraine passed according to the procedure envisaged by par. 7.3. of this Regulation, shall be made public by posting it on the web-portal of Ukrainian courts and published in “Golos Ukrainy” or “Uriadovyi Courier” newspapers.

VIII. Safekeeping of test results

8.1. Test materials shall be kept in High Qualifications Commission of Judges of Ukraine. Members of High Qualifications Commission of Judges of Ukraine may at any time have access to/ get acquainted with test materials.

8.2. A candidate who took part in the test has the right to submit to High Qualifications Commission of Judges of Ukraine a written application requesting to get acquainted with his/her test materials.

Decision on granting or refusing to grant to a candidate the possibility to get acquainted with test materials shall be taken by the leadership of High Qualifications Commission of Judges of Ukraine.

8.3. Dissemination and using the information on personal data received when the person was taking the test is prohibited without the latter’s written consent.

Annex 1
to Regulation
On the Procedure for Taking Anonymous
Test (Examination) by Candidates to Judicial Position
and the Methodology for its Evaluation

TEST ROOM REGISTER

**for the anonymous test for (examination of)
candidates to judicial positions in the test room № ____.**

City of _____
2011

« ____ » _____

In _____

(address of the anonymous test (examination) venue)

№	Candidate' last name, name, patronymic name	Bar Code sticker
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Annex 2
to Regulation On the Procedure for Taking
Anonymous Test (Examination) by Candidates to
Judicial Position and the Methodology for its
Evaluation

Місце для наліпки зі штрих-кодом

Бланк відповіді анонімного тестування (іспиту) на зайняття посади судді

1 2 3 4 5
 Варіант

Увага!

На даному бланку заборонено робити будь-які записи та помітки, окрім: зазначення номеру варіанту тесту, правильних, на Вашу думку, відповідей, виправлень помилкових відповідей у разі потреби.

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6	<input type="checkbox"/>	16	<input type="checkbox"/>	26	<input type="checkbox"/>	36	<input type="checkbox"/>	46	<input type="checkbox"/>
7	<input type="checkbox"/>	17	<input type="checkbox"/>	27	<input type="checkbox"/>	37	<input type="checkbox"/>	47	<input type="checkbox"/>
8	<input type="checkbox"/>	18	<input type="checkbox"/>	28	<input type="checkbox"/>	38	<input type="checkbox"/>	48	<input type="checkbox"/>
9	<input type="checkbox"/>	19	<input type="checkbox"/>	29	<input type="checkbox"/>	39	<input type="checkbox"/>	49	<input type="checkbox"/>
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51	<input type="checkbox"/>	61	<input type="checkbox"/>	71	<input type="checkbox"/>	81	<input type="checkbox"/>	91	<input type="checkbox"/>
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54	<input type="checkbox"/>	64	<input type="checkbox"/>	74	<input type="checkbox"/>	84	<input type="checkbox"/>	94	<input type="checkbox"/>
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56	<input type="checkbox"/>	66	<input type="checkbox"/>	76	<input type="checkbox"/>	86	<input type="checkbox"/>	96	<input type="checkbox"/>
57	<input type="checkbox"/>	67	<input type="checkbox"/>	77	<input type="checkbox"/>	87	<input type="checkbox"/>	97	<input type="checkbox"/>
58	<input type="checkbox"/>	68	<input type="checkbox"/>	78	<input type="checkbox"/>	88	<input type="checkbox"/>	98	<input type="checkbox"/>
59	<input type="checkbox"/>	69	<input type="checkbox"/>	79	<input type="checkbox"/>	89	<input type="checkbox"/>	99	<input type="checkbox"/>
60	<input type="checkbox"/>	70	<input type="checkbox"/>	80	<input type="checkbox"/>	90	<input type="checkbox"/>	100	<input type="checkbox"/>

Місце для виправлення помилкової відповіді

| номер завдання | А Б В Г |
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Annex 3
to Regulation
On the Procedure for Taking Anonymous
Test (Examination) by Candidates to Judicial Position
and the Methodology for its Evaluation

ACT (Report) № _____
On dismissing the candidate from anonymous test (examination)

city of _____
2011

« _____ » _____

Address of the anonymous testing
venue _____

(address where the anonymous test takes place, room number)

This report records the violations committed by the candidate to first time judicial position in the course of taking anonymous test (examination) as part of judicial selection process conducted by High Qualifications Commission of Judges of Ukraine pursuant to requirements of par. 4, Articles 66 and 68 of Law of Ukraine "On the Judiciary and Status of Judges".

We, the undersigned, the authorized representatives for conducting test:

(signature) _____ *(initials, last name)*

upon agreeing with members of High Qualifications Commission of Judges of Ukraine:

(signature) _____ *(initials, last name)*

when conducting the test have established that the candidate

Authorized representatives:

(signature) *(initials, last name)*

Candidate _____ has read this report _____
(last name, initials) *(signature of the candidate)*

Annex 4
to Regulation
On the Procedure for Taking Anonymous
Test (Examination) by Candidates to Judicial Position
and the Methodology for its Evaluation

ACT (Report) № _____

On candidate's refusal to take anonymous test (examination)

City of _____
2011

« _____ » _____

This report was compiled during the anonymous test (examination) as a part of judicial selection process conducted by High Qualifications Commission of Judges of Ukraine in compliance with requirements of par. 4 Articles 66 and 68 of Law of Ukraine "On the Judiciary and Status of Judges" and the Procedure for Taking Anonymous Test (Examination) by Candidates to Judicial Position and the Methodology for its Evaluation.

Address of the anonymous testing venue:

(city, name of the street, building number, room number)

We, the undersigned, the authorized representatives for conducting test:

_____	<i>(signature)</i>
_____	<i>(initials, last name)</i>

_____	<i>(signature)</i>
_____	<i>(initials, last name)</i>

_____	<i>(signature)</i>
_____	<i>(initials, last name)</i>

_____	<i>(signature)</i>
_____	<i>(initials, last name)</i>

(signature)

(initials, last name)

Hereby certify that during the test the candidate

(Candidate' last name, name, patronymic name, room number)

Uncoercedly refused to take the test.

The candidate was deprived of the right to continue taking the test at _____ (hours) _____ (minutes)

Candidate _____ has read this report _____
(last name, initials) *(signature of the candidate)*

(candidate's initials, last name)

2	Answer sheets		_____		
3	Unused test notebooks		_____		
4	Unused bar code stickers		_____		
5	Reports on dismissing the candidates from anonymous test (examination)		_____		
6	Reports on candidate's refusal to take anonymous test (examination)		_____		
7	Unused, used and damaged packages for transporting test materials				

The package was sealed at _____ hours _____ minutes.

We confirm this by our signatures:

Authorized representatives for conducting test:

_____	(initials, last name)

_____	(signature)
_____	(initials, last name)

_____	(signature)
_____	(initials, last name)

_____	(signature)
_____	(initials, last name)

_____	(signature)
_____	(initials, last name)

Annex 6
to Regulation
On the Procedure for Taking Anonymous
Test (Examination) by Candidates to Judicial Position
and the Methodology for its Evaluation

ACT (Report)
On opening the packages with test materials

City of Kyiv

« ____ » _____ 2011

This report was compiled upon completion of the anonymous test (exam) as part of judicial selection process conducted by High Qualifications Commission of Judges of Ukraine pursuant to the requirements of par. 4 Articles 66 and 68 of Law of Ukraine "On the Judiciary and Status of Judges" and the Procedure for Taking Anonymous Test (Examination) by Candidates to Judicial Position and the Methodology for its Evaluation.

This report records that the employees of Secretariat of High Qualifications Commission of Judges of Ukraine

— *(last name, initials)*

— *(last name, initials)*

____ *(last name, initials)*

in the presence of members of High Qualifications Commission of Judges of Ukraine:

(last name, initials)

(signature)

(last name, initials)

(signature)

(last name, initials)

(signature)

(last name, initials)

(signature)

(last name, initials)