

AGENDA ITEM

144 NOV 15 2013

DATE: October 30, 2013

TO: Members, Planning, Program Development and Budget Committee
Members, Board of Trustees

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: Proposed Amendment to Admissions Administrative Fee Schedule

EXECUTIVE SUMMARY

The Office of Admissions provides a variety of services for applicants upon request. For some services, the cost of providing those services have changed or increased. The Committee of Bar Examiners seeks the Board of Trustees' approval of amendments to the Admissions Administrative Fee Schedule that incorporates those changes.

BACKGROUND

The Office of Admissions provides a variety of services for applicants upon request. Effective July 1, 2009, requests for certain services must be submitted on a completed "Application/Document Copy or Administrative Service Request Form" form and accompanied by the administrative fee specified in the Admissions Administrative Fee Schedule adopted by the Committee of Bar Examiners and approved by the Board of Trustees.

Such services provided by the Office of Admissions include the reprinting of laptop examination answers, the confirmation of reported Multistate Bar Examination (MBE) scores, and the certification of Multistate Professional Responsibility Examination (MPRE) and MBE scores achieved that are no longer available for certification by the National Conference of Bar Examiners (NCBE).

ISSUE

Whether to approve the amendments to the Admissions Administrative Fee Schedule in the form attached.

CONCLUSION

The Admissions Administrative Fee Schedule should be amended.

DISCUSSION

Unsuccessful applicants who want to confirm the MBE score reported to them for the most recent administration of the examination can request a manual hand score of their scantron answer sheets by the NCBE by submitting a completed Request Form to the Office of Admissions with an administrative fee of \$25.

The NCBE will confirm an applicant's MBE score upon request by the jurisdiction in which the applicant took the MBE. The request must be submitted on the NCBE's "Request for Verification of MBE Score" form and accompanied by a check issued by the jurisdiction. The fee for this service is currently \$25, up from the initial fee of \$7.65 paid in 2005, which was used as the basis for the \$25 fee that is currently charged.

The difference in the fee received from applicants and that paid to the NCBE was initially sufficient to cover incurred expenses associated with the processing of each request, which include staff time and resources to process payments, provide the requisite applicant information in the required format and notify applicants of the hand score result.

With the most recent increase to the fee charged by the NCBE, there is no differential between what the Office of Admissions is charged and what is paid by the applicant; the entire administrative fee paid by an applicant is paid to the NCBE and the incurred expenses referenced above are now absorbed by the Office of Admissions.

The NCBE also provides certification of MBE and MPRE scores upon request. However, its new retention policy provides that MBE scores be retained for just seven (7) years and MPRE scores for 15 years. As a result, applicants who took those examinations more than 7 or 15 years ago, respectively, and who wish to provide certification of having passed that examination to another jurisdiction must now either request a certification of their score from the jurisdiction in which they took the examination or take the examination again. Since this change was implemented, approximately five to ten requests from California attorneys who are seeking admission in other jurisdictions based in part on a MPRE score they received in California in connection with their admission here, have been received.

Examination questions and Selected Answers for the examinations administered over the last five years are posted on the Admissions portion of the State Bar's website. When the materials for the most recent year have been published, those posted the longest are removed from the website and therefore, are no longer available free of charge.

Staff maintains a collection of bound and printed copies of archived examination questions and Selected Answers, also known as Study Aids. The archived materials, produced in the State Bar Print Shop and the cost of which is charged back to the Office of Admissions, are available upon request.

FISCAL / PERSONNEL IMPACT:

Annually, approximately \$10,000 in revenue is generated from these types of services. Additional revenue will be realized from the amended fee schedule, although the amount will not be significant. The increased fees, however, will, at a minimum, cover the cost of obtaining certain items from third parties, such as the NCBE.

RULE AMENDMENTS:

Appendix A: Schedule of Charges and Deadlines to the *Rules of the State Bar of California* will need to be updated.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

If the Planning, Program Development and Budget Committee agrees that amendments to the current Admissions Administrative Fee Schedule are warranted, which amendments are based on what it costs to provide the services, it is recommended that the Committee recommend to the Board that the amended Admissions Administrative Fee Schedule be approved, effective January 1, 2014.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Planning, Program Development and Budget Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Planning, Program Development and Budget Committee recommends that the Board approve the amendments to the Admissions Administrative Fee Schedule in the form attached hereto.

PROPOSED BOARD OF TRUSTEES RESOLUTION:

Should the Board concur with the Planning, Program Development and Budget Committee's recommendation, the following resolution would be in order:

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby approves the

amendments to the Admissions Administrative Fee Schedule in the form attached hereto.