



## The State Bar *of California*

---

**OPEN SESSION  
AGENDA ITEM  
FEBRUARY 2019  
COMMITTEE OF BAR EXAMINERS ITEM 0-300**

**DATE:** January 18, 2019

**TO:** Members, Committee of Bar Examiners

**FROM:** Tammy Campbell, Program Manager, Office of Admissions

**SUBJECT:** Proposal on Strategies to Improve the Administration of the Bar Exam

---

### **BACKGROUND**

The California Bar Exam has presented challenges in administration over the past several years. One of the primary challenges involves proctor recruitment; specifically hiring proficient proctors for the exam, as well as training new recruits. Historically, the California State Bar has maintained a steady proctor pool to draw from for each exam administration. Over the years, that proctor pool has reduced in size due to a variety of reasons including the fact that many proctors have been working with the State Bar for a long time and are aging out, as well as a reduction in the number of people looking for seasonal work assignments. When proctors are not available, the State Bar uses personnel from temp agencies which increases cost and becomes resource-intensive as staff are required to train and monitor that personnel more closely than experienced personnel. Aside from being less experienced, temp agency personnel are often challenged by the parameters of proctoring. Proctors cannot use cell phones, read personal material, sleep or converse during the exam administration. For new recruits, the cell phone limitation has proven to be a disincentive to work at the bar exam.

Many applicants with testing accommodations require one on one proctoring because their disability requires use of a private room or different allocations of time for the written and/or multiple choice portions of the exam. Such accommodations require a proctor to read instructions to the applicant and monitor time, along with the usual obligations to observe for potential cheating and consistently report to the section proctor. As the number of testing accommodations increases, so does the need for more proctors. Staff would like to explore alternatives that would address these challenges without impairing, and possibly improving, the quality of the bar exam administration.



## **DISCUSSION**

Given the challenges in providing sufficient, quality proctors and ensuring the effective administration of the examination, staff would like to explore multiple options that might improve the quality of the bar exam administration.

Here are a few areas that staff would like to explore:

1. Seating more applicants at each eight foot table than current practice. The National Conference of Bar Examiners (NCBE) requires that, at maximum, two exam takers are seated per eight foot table. Admissions staff have submitted a request to the NCBE to seat three bar exam takers per each eight foot table, which would allow more exam takers per exam site. Exception requests were due to the NCBE in mid-January and staff included this request to ensure that the Office of Admissions did not miss the opportunity to make this request.
2. Increasing the number of exam takers per standard exam site could facilitate the possibility of needing less facilities altogether. For the July California Bar Exam, we typically contract with 16 hotels or facilities. The following list provides a breakdown of the current testing locations utilized for both standard and testing accommodation (TA) test centers:

### **Northern California**

Oakland  
Sacramento  
Santa Clara  
Burlingame (TA)  
Sacramento (TA)

### **Southern California**

Pasadena  
Ontario  
Los Angeles (Downtown LA, Anaheim or Long Beach)  
San Diego  
Culver City (TA)  
Orange (TA)  
Los Angeles (TA)  
San Diego (TA)

In Northern California, one potential site to eliminate is the Santa Clara Convention Center, a location consistently challenged with identifying a sufficient number of proctors. In Southern California, staff seek to eliminate the Los Angeles standard exam site and the San Diego standard exam site. In Los Angeles, it is difficult to contract space with the Los Angeles Convention Center, Anaheim Convention Center or the Long Beach Convention Center. Based on the nature of our event, they will not contract more than



12 months in advance, which puts the State Bar at a disadvantage to get the space needed in that short of a window. For San Diego, it is a challenge to get space within our budget. The current space that is contracted is a city-owned facility that is facing the potential of being shut down. This places the State Bar in a position where there wouldn't be another alternative in San Diego if the facility were to close permanently.

3. Lastly, we seek authority to use on-line proctoring to address the proctor gap. On-line proctoring increases the quality of proctoring as it uses both a "behind the scenes" proctor staffed by the on-line proctor company and artificial intelligence to detect cheating or erratic behavior. On-line proctoring can accommodate multiple applicants per on-line proctor; it utilizes artificial intelligence to monitor eye and body movement and report back to the live human proctor. It has the capacity to allow the on-line proctor to communicate directly with the applicant as well as with the on-site staff. Although there would still be proctors on-site at the test center, it would require far fewer proctors than currently required. On-line proctoring requires development of procedures on how the exam should be administered and on troubleshooting. Most importantly, on-line proctoring also requires approval by the NCBE.

## **RECOMMENDATION**

Staff seek the approval of the Committee of Bar Examiners to explore these options and deploy some or all for the July 2019 exam administration and future administrations. Should the Committee approve these options, staff plan to report back on the impact of each of these initiatives.

## **PROPOSED MOTION**

If the Committee agrees, the following motion is suggested:

Move that staff continue pursuing an exception from the National Conference of Bar Examiners to allow seating three bar exam takers per eight foot table;  
Move that staff evaluate and pursue the elimination of two test sites: one in Northern California and another in Southern California; and,  
Move that staff pursue on-line proctoring as a means of improving the supervision of the California bar exam.