



The State Bar of California

OPEN SESSION

AGENDA ITEM O- 300

MARCH 2021

COMMITTEE OF BAR EXAMINERS

DATE: March 26, 2021

TO: Members, Committee of Bar Examiners

FROM: Tammy Campbell, Program Manager

SUBJECT: Action on November 2020 First-Year Law Students' Examination Cost Analysis

EXECUTIVE SUMMARY

The information provided below summarizes the analysis of the costs associated with the November 2020 First-Year Law Students' Examination.

BACKGROUND

As part of the on-going process to monitor the costs related to administering the First-Year Law Students' Examination (FYLSX), a cost analysis of the November 2020 FYLSX has been prepared. Attached is additional detail regarding the various expenses associated with administering the examination.

DISCUSSION

Historically, the First-Year Law Students' Examination is administered in-person at four test centers across California. Due to the COVID-19 pandemic and related guidelines established by the Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO), administering the First-Year Law Students' Examination in the traditional in-person format was not feasible. As a result, the FYLSX was administered in an online, remote-proctored format. Applicants with testing accommodations and extenuating circumstances that were not able to test in an online format were accommodated in-person at both the Los Angeles and San Francisco State Bar offices.

The total cost for administering the November 2020 FYLSX was \$56,897.75 for 305 applicants. This compares to \$130,131 for 295 applicants for the October 2019 FYLSX. The change in FYLSX applicants from October 2019 to November 2020 represents a 3.39 % increase.

Below are a few highlights from the cost analysis:

1. For the November 2020 examination, approximately 66% of the overall available capacity was used to administer the exam compared to 77% for the November 2019 examination.
2. Historically, approximately 73% of our total costs are comprised of costs related to facility rental, electrical, and proctors. These costs were not applicable for the November 2020 in-person test centers as State Bar conference rooms were used instead. Applicants did not require additional electrical outlets, and staff from both Admissions' offices served as proctors for the exam. These costs were not required for the online exam. For this examination, 64% of the total direct costs were associated with the laptop license and exam monitor fees.
3. For the October 2019 examination, approximately 41% of the total exam cost went toward administering the exam test centers for applicants with testing accommodations. For the November 2020 in-person exam, the 7 applicants that took the examination at State Bar office test centers were a combination of accommodated applicants and those who requested to test in person due to extenuating circumstances. These applicants made up for 2.3% of the total number of applicants, and the cost to administer the examination to those applicants was approximately 11% of the total exam cost.
4. In October 2019, it cost approximately \$272 to administer the FYLSX to an applicant taking the examination at a standard test center compared to approximately \$3184 for each applicant taking the examination at a test center for applicants with testing accommodations. During the November 2020 examination, it cost approximately \$123 to administer the FYLSX to an applicant taking the examination online compared to approximately \$731 for each applicant taking the examination at an in-person test center. The overall cost per applicant in October 2019 was approximately \$441 compared to \$186 per applicant for the November 2020 examination.

Administering examinations at test centers for applicants with testing accommodations normally involve higher costs because of the facilities that must be used (e.g.-hotels instead of a conference centers) in order to provide semi-private/private rooms, additional proctor requirements, specialized equipment/software, etcetera.

With this examination administered primarily online, with no direct facility or proctor costs to administer it in the State Bar conference rooms, most of the costs associated with administering this exam resulted from the laptop license fees and the additional fee for the exam monitoring.

It's also important to note that these figures don't factor in the indirect costs, including staff time spent preparing for the exam before, administering the exam during and finalizing the exam afterwards. The process of reviewing the flagged videos by all staff after the exam was a manual

process. It included the completion of incident reports, issuing and affirming the Chapter 6 Notice of Violations and required staff to complete this task in a timely manner while trying to meet their normal work duties. This report, along with previous exam administration financial reports do not include costs for staff dedicated year-round to exam administration (eligibility team, applicant services, testing accommodations and exam support), miscellaneous exam supplies sent to test centers, the Testing Accommodation unit's consultant fees, psychometric services and staff overtime before, during and after the exam administration.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 5. Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.

Objective: d. Improve transparency, accountability, accessibility, and governance by increasing the availability of meeting materials and public access to meetings and records and reporting these efforts to stakeholders and the general public.

RECOMMENDATIONS

It is recommended that the Committee of Bar Examiners approve the November 2020 First-Year Law Students' Examination Cost Analysis set forth above.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with staff recommendations, the following motion should be made:

MOVE, that the November 2020 First-Year Law Students' Examination Cost Analysis be approved.

ATTACHMENT(S) LIST

- A.** November 2020 Cost-Analysis Breakdown

NOVEMBER 2020 FIRST-YEAR LAW STUDENTS' EXAMINATION

Facility	SF Office (\$608)	Nor Cal Total	LA Office (\$105)	So Cal Total	Online Remote (O501)	Online Total	Misc. Total	TA Sites - Subtotal	EXAM TOTAL	% of Total
Capacity	30	30	30	30	400	400		60	460	
# of Testers	4	4	3	3	298	298		7	305	
% of Capacity	13.33%	13.33%	10.00%	10.00%	74.50%	74.50%		11.67%	66.30%	
Type	TA		TA		Online					
Meeting Space		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Testing Rooms (TA)		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Tables & Chairs		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Electrical		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Exemplify License Fee		\$0.00		\$0.00	\$15,390.00	\$15,390.00		\$0.00	\$15,390.00	27.0%
Exam Monitor Fee		\$0.00		\$0.00	\$21,384.00	\$21,384.00		\$0.00	\$21,384.00	37.6%
Examsoft Technicians	\$505.75	\$505.75	\$525.07	\$525.07		\$0.00		\$1,030.82	\$1,030.82	1.8%
Water	\$10.29	\$10.29	\$10.29	\$10.29		\$0.00		\$20.58	\$20.58	0.04%
Coffee		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
PPE Equipment	\$161.98	\$161.98	\$161.97	\$161.97		\$0.00		\$323.95	\$323.95	0.6%
AV		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
WiFi		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Phones		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Computers/Printers		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Shipping		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Staff Rooms & Parking		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Proctors		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Proctor Parking		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	0.0%
Off-Duty Officers	\$690.00	\$690.00	\$640.00	\$640.00		\$0.00		\$1,330.00	\$1,330.00	2.3%
Grading		\$0.00		\$0.00		\$0.00	\$15,000.00	\$0.00	\$15,000.00	26.4%
Printing	\$1,209.20	\$1,209.20	\$1,209.20	\$1,209.20		\$0.00		\$2,418.40	\$2,418.40	4.3%
Grand Total	\$2,577.22	\$2,577.22	\$2,546.53	\$2,546.53	\$36,774.00	\$36,774.00	\$15,000.00	\$5,123.75	\$56,897.75	100%
Cost/Tester	\$644.31	\$644.31	\$848.84	\$848.84	\$123.40	\$123.40		\$731.96	\$186.55	

*** Grand Total does not include "indirect" costs including staff time spent preparing for the exam before, administering the exam during and finalizing the exam afterwards, as well as actual costs for medical experts/consultants, and miscellaneous supplies used to administer the examination.