



The State Bar *of California*

OPEN SESSION

AGENDA ITEM O-300

OCTOBER 2021

COMMITTEE OF BAR EXAMINERS

DATE: October 15, 2021

TO: Members, Committee of Bar Examiners

FROM: Tammy Campbell, Program Manager

SUBJECT: Action on June 2021 First-Year Law Students' Examination Cost Analysis

EXECUTIVE SUMMARY

The information provided below summarizes the analysis of the costs associated with the June 2021 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 June 2021 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 on-line, 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 direct costs for administering the June 2021 FYLSX were \$52,923.30 for 275 applicants. This compares to \$29,108.81 for 267 applicants during the June 2020 FYLSX. This analysis is limited to the costs itemized in Attachment A and does not include things such as State Bar personnel costs for the time allocated to activities related to the FYLSX including staff time spent preparing for the exam before, on-site exam administration and post-exam activities, such as video review and applicant inventory. The process of reviewing the flagged videos by all staff after the exam is a manual process, requiring a significant amount of time to review, document and calibrate. 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, does 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. It also doesn't include automation costs related to the Admissions Information Management System (AIMS), overhead, including space, IT staff, general counsel staff, and similar items which all go into the cost of being able to administer each FYLSX.

The cost analysis previously reported for the June 2020 FYLSX did not contain some of the direct costs reported here, such as printing costs and the grader costs. Adding these costs allows for accurate comparison of the 2020 to the 2021 First Year Law Student's Examinations (the first on-line examinations administered by the Office of Admissions). The additional costs for these items in June 2020 was \$12,905.04, which brings the adjusted total cost for June 2020 to \$42,013.85. The change in FYLSX applicants from June 2020 to June 2021 represents a 3 percent increase.

The increase in overall costs for June 2021 can be attributed to an increased per person fee for Exam ID/Exam Monitor (the components necessary to administer the remote identification and proctoring), a higher printing fee than the June 2020 exam, which was printed in-house due to COVID, and the additional grading costs attributable to a slightly higher volume of applicants. As with the June 2020 FYLSX, however, the remote exam did eliminate the need for paid proctors; any examinees taking the exam on-site were proctored by State Bar staff.

Below are a few highlights from the cost analysis:

1. Historically, the largest percentage of costs were related to facility rental, electrical, and proctors. These costs were not applicable for the June 2021 in-person test sites as State Bar conference rooms were used; there was no extra cost for electrical outlets; and State Bar staff served as proctors for the exam. These costs obviously were also not required for those taking the exam remotely. For this examination however, the largest percentage of costs were associated with the laptop license and exam monitor fees.
2. For the June 2020 in-person exam, the 7 applicants that took the examination at State Bar offices included both accommodated applicants and those who requested to test in person due to extenuating circumstances. These applicants comprised 2.3 percent of the

total number of applicants, however the cost to administer the examination to these applicants was approximately 11 percent of the total exam cost.

For the June 2021 in-person exam, the 14 applicants that took the examination at State Bar offices also included a combination of accommodated applicants and those who requested to test in person due to extenuating circumstances. These applicants comprised 5 percent of the total number of applicants, yet the cost to administer the examination to those applicants was approximately 13 percent of the exam costs. This is the result of in-person only costs such as ExamSoft onsite technicians, off-duty officers, water, and printing costs for hard copy materials, in addition to the laptop license fees.

3. With the revised June 2020 totals, it cost approximately \$135 to administer the FYLSX to an applicant taking the examination remotely compared to approximately \$394 for each applicant taking the examination in-person with testing accommodations/extenuating circumstances. During the June 2021 examination, it cost approximately \$166 to administer the FYLSX to an applicant taking the examination remotely compared to approximately \$683 for each applicant taking the examination at an in-person test center. The revised overall cost per applicant in June 2020 was approximately \$144 compared to \$192 per applicant for the June 2021 examination.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATION

It is recommended that the Committee of Bar Examiners approve the June 2021 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 June 2021 First-Year Law Students' Examination Cost Analysis be approved.

ATTACHMENT(S) LIST

- A.** June 2021 Cost-Analysis Breakdown

JUNE 2021 FIRST-YEAR LAW STUDENTS' EXAMINATION

| Facility | SF Office (S608) | Nor Cal Total | LA Office (S105/L105) | So Cal Total | Online Remote (O501) | Online Total | Misc. Total | TA Sites - Subtotal | EXAM TOTAL | % of Total |
|-----------------------|---------------------|---------------|--------------------------|-----------------|-------------------------|--------------|-------------|------------------------|-------------|------------|
| Capacity | 25 | 25 | 30 | 30 | 400 | 400 | | 55 | 455 | |
| # of Testers | 5 | 5 | 9 | 9 | 261 | 261 | | 14 | 275 | |
| % of Capacity | 20.00% | 20.00% | 30.00% | 30.00% | 65.25% | 65.25% | | 25.45% | 60.44% | |
| 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 | \$259.62 | \$259.62 | \$466.47 | \$466.47 | \$13,538.91 | \$13,538.91 | | \$726.09 | \$14,265.00 | 27.0% |
| Exam Monitor Fee | \$298.65 | \$298.65 | \$536.57 | \$536.57 | \$15,573.78 | \$15,573.78 | | \$835.22 | \$16,409.00 | 31.0% |
| Examsoft Technicians | \$626.60 | \$626.60 | \$635.23 | \$635.23 | | \$0.00 | | \$1,261.83 | \$1,261.83 | 2.4% |
| Water | | \$0.00 | \$14.97 | \$14.97 | | \$0.00 | | \$14.97 | \$14.97 | 0.03% |
| Coffee | | \$0.00 | | \$0.00 | | \$0.00 | | \$0.00 | \$0.00 | 0.0% |
| PPE Equipment | | \$0.00 | | \$0.00 | | \$0.00 | | \$0.00 | \$0.00 | 0.0% |
| 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 | \$680.00 | \$680.00 | \$670.00 | \$670.00 | | \$0.00 | | \$1,350.00 | \$1,350.00 | 2.6% |
| Grading | \$272.73 | \$272.73 | \$490.91 | \$490.91 | \$14,236.36 | \$14,236.36 | | \$763.64 | \$15,000.00 | 28.3% |
| Printing | \$1,650.89 | \$1,650.89 | \$2,971.61 | \$2,971.61 | | \$0.00 | | \$4,622.50 | \$4,622.50 | 8.7% |
| Grand Total | \$3,788.49 | \$3,788.49 | \$5,785.76 | \$5,785.76 | \$43,349.05 | \$43,349.05 | \$0.00 | \$9,574.25 | \$52,923.30 | 100% |
| Cost/Tester | \$757.70 | \$757.70 | \$642.86 | \$642.86 | \$166.09 | \$166.09 | | \$683.88 | \$192.45 | |

*** 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.