



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM O-300 JUNE 2022 COMMITTEE OF BAR EXAMINERS**

**DATE:** June 17, 2022

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

**FROM:** Tammy Campbell, Program Manager

**SUBJECT:** Approval of October 2021 First-Year Law Students' Examination Cost Analysis

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### **EXECUTIVE SUMMARY**

The information provided below summarizes the analysis of the costs associated with the October 2021 First-Year Law Students' Examination.

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### **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 October 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 in October 2020. Since that time, the State Bar has continued using the 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 the Hilton Los Angeles Culver City Hotel and the Crowne Plaza San Francisco Airport Hotel. The test center space was shared with the October 2021 Legal Specialization Examination (LSX) and costs were divided accordingly between both examinations. The following report consists of the costs that were associated with the October FYLSX only.

The direct costs for administering the October 2021 FYLSX were \$108,323 for 272 applicants. This compares to \$52,923.30 for 305 applicants during the November 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. This process includes 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, also 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. The analysis also doesn't include costs related to the Admissions Information Management System (AIMS), overhead, space, IT staff, general counsel staff, and similar items which contribute to the total cost of being able to administer each FYLSX.

The cost analysis previously reported for the November 2020 FYLSX did not include facility costs as the exam was able to be held at both State Bar offices for the in-person portion. Given that there was not enough conference space available at the State Bar to accommodate for the number of applicants for both the October 2021 FYLSX and LSX examinations, both exams were held at hotels to allow for shared costs while providing the needed space for testing. The change in FYLSX applicants from November 2020 to October 2021 represents a 10% decrease.

The increase in overall costs for October 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), and the additional costs for the two offsite test centers. Unlike the November 2020 FYLSX, the remote exam did not eliminate the need for paid proctors as examinees taking the exam in-person were proctored by our regular proctors.

Below are a few highlights from the cost analysis:

1. Historically, the largest percentage of costs were related to facility rental, electrical, and proctors. For the October 2021 in-person test centers, costs were incurred for only two facilities versus the normal four facilities since most applicants took the examination online. Costs were incurred for proctors; however, a lower number than previously used

across four test centers. There were no extra costs for electrical outlets. These costs were also not required for those taking the exam remotely. For this examination, the largest percentage of costs were associated with the facility costs for in-person applicants.

2. For the October 2021 in-person exam, the 18 applicants that took the examination in-person included both accommodated applicants and those who requested to test in person due to extenuating circumstances. These applicants comprised 6.6 percent of the total number of applicants, however the cost to administer the examination to these applicants was approximately 54 percent of the total exam cost.
3. For the November 2020 totals, it cost approximately \$123 to administer the FYLSX to an applicant taking the examination remotely compared to approximately \$731 for each applicant taking the examination in-person with testing accommodations/extenuating circumstances. During the October 2021 examination, it cost approximately \$161 to administer the FYLSX to an applicant taking the examination remotely compared to approximately \$3,430 for each applicant taking the examination at an in-person test center. The overall cost per applicant in November 2020 was approximately \$186 compared to \$352 per applicant for the October 2021 examination.

## **FISCAL/PERSONNEL IMPACT**

None

## **RECOMMENDATION**

**It is recommended that the Committee of Bar Examiners approve the October 2021 First-Year Law Students' Examination Cost Analysis set forth above.**

## **PROPOSED MOTION**

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

**MOVE**, that the October 2021 First-Year Law Students' Examination Cost Analysis be approved.

## **ATTACHMENT(S) LIST**

- A. October 2021 Cost-Analysis Breakdown