



The State Bar *of California*

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

DATE: December 2, 2022

TO: Members, Committee of Bar Examiners

FROM: Tammy Campbell, Program Manager

SUBJECT: Approval of June 2022 First-Year Law Students' Examination Cost Analysis

EXECUTIVE SUMMARY

The information provided below summarizes the analysis of the costs associated with the June 2022 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 2022 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 was administered in-person at four test centers across California. Since the onset of the pandemic, the FYLSX has been 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 the Hilton Los Angeles Culver City

Hotel and the State Bar of California's San Francisco Offices. The following report consists of the costs that were associated with the June FYLSX only.

The direct costs for administering the June 2022 FYLSX were \$92,404 for 260 applicants. This compares to \$52,923 for 275 applicants during the June 2021 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, 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 June 2021 FYLSX did not include facility costs as the exam was able to be held at both State Bar offices for the in-person portion. One off-site facility was used for the June 2022 FYLSX due to unavailability of conference room space in the Los Angeles office. The change in FYLSX applicants from June 2021 to June 2022 represents a 5.5% decrease.

The increase in overall costs for June 2022 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 one off-site test center. Like the June 2021 FYLSX, the remote exam eliminated the need for paid proctors as examinees taking the exam in-person were proctored by our regular 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. For the June 2022 in-person test centers, costs were incurred for only one facility versus the historical four facilities since most applicants took the examination online. No costs were incurred for proctors; however, costs were incurred for State Bar staff to work the exam as proctors instead. 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 and the ExamSoft testing/proctoring software.

2. For the June 2022 in-person exam, the 13 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 five percent of the total number of applicants, however the cost to administer the examination to these applicants was approximately 55 percent of the total exam cost.
3. For the June 2021 totals, it cost approximately \$166 to administer the FYLSX to an applicant taking the examination remotely compared to approximately \$700 for each applicant taking the examination in-person with testing accommodations/extenuating circumstances. During the June 2022 examination, it cost approximately \$169 to administer the FYLSX to an applicant taking the examination remotely compared to approximately \$3,897 for each applicant taking the examination at an in-person test center. The overall cost per applicant in June 2021 was approximately \$192 compared to \$355 per applicant for the June 2022 examination.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATION

It is recommended that the Committee of Bar Examiners approve the June 2022 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 June 2022 First-Year Law Students' Examination Cost Analysis be approved.

ATTACHMENT(S) LIST

- A. June 2022 Cost-Analysis Breakdown**