



The State Bar *of California*

**Office of Admissions**

**Committee of Bar Examiners  
Planning Meeting**

December 2022

## Committee of Bar Examiners Planning Items

- Examinations
- Operations & Management
- Moral Character Determinations
- Educational Standards, including CSBARS and LSC





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# Examinations

## Work Plan for 2023

Lisa Cummins, Examination Development  
Christina Doell, Examination Grading

December 2022

# Examinations Functions

- By delegated authority, CBE oversees format, scope, topics, content, and grading process (Board approves) of the bar exam
- For FYLSX, CBE has same delegated authority (still requires Board approval) but also determines passing score
- Considers petitions seeking waivers of the CBE's exam related policies, procedures, and rules
- Has primary responsibility for reviewing psychometric & bar exam reports
- Question selection for the bar exam (attorney members)
- Considers appeals of staff decisions filed by applicants with disabilities requesting testing accommodations for taking examinations (changes to this policy forthcoming)



## Changes Implemented in 2022 Exam Development

- Implementation of Differential Item Function (DIF) Guiding Principles for Exam Developers
- Continued exploration and identification of ways in which diversity, equity and inclusion principles can be institutionalized in Bar Exam development
- Initial development of new Subject Matter Matrices for each of the 13 CBX subjects
- Development of hybrid remote and in-person processes, procedures and protocols for EDG Team and Performance Test (PT) Drafting Team meetings and PT pretests, which ensure and maintain the necessary confidentiality and security
- Embark on review of FYLSX multiple-choice exam questions and pretesting of new items, with collaboration of law school participants
- Development and testing of new secure Exam Development collaboration website for use of EDG Team and PT Drafting Team, with goal to go as paperless as practicable



# Examination Development

- Study trends in licensing
- Review and approve new CBX Subject Matter Matrices
- Review First-Year Law Students' Exam project
- Advise on Bar Exam Features and Modalities Study
  - Question types
  - High-stakes exam best practices





## Testing Accommodations

Review and revise Admissions Rules relevant to Testing Accommodation

- Circulate for Public Comment
- Review and approval by the CBE and BOT
- Additional training with staff and consultants



# Examination Work Plan (2023)

## Examination Development

- Ensure CBE recommendations are incorporated in California's Blue Ribbon Commission Final Report on the Future of the CBX

## Examination Grading

- Evaluate guidelines to address procedure for reconsideration requests, for test center incidents and examination results

## Examination Development and Exam Grading

- Continue to work with the State Bar's Office of Access & Inclusion and COAF to advance the Mission of the State Bar to support efforts for greater access to, and inclusion in, the legal system. Seek input on strategies for identifying methods to diversify grader and exam developer pool from CBE.





# Training Topics for 2023

## Testing Accommodations (TA)

- Presentation on Substantive Issues on Evaluating TA Requests
- Training on Testing Accommodation Process

## Examination Development and Grading

- Presentation from Performance Test (PT) Drafting Team Member on the Basics of PT Development
- Presentation from Examination Development and Grading (EDG) Team on the Basics of Essay Question Development

Other Suggestions?





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# Operations and Management

Work Plan for 2023

Tammy Campbell, Program Manager

December 2022

# Operations and Management

- Oversee and administer policies related to Eligibility, Special Admissions and Exam Administration
- Reviews and revises rules and policies for examinations, refunds and violations of examination rules (Chapter 6 violations) as needed
- Conducts administrative appeals of examination petitions (upon request) for applicants who receive a denial from staff



# Changes and Initiatives for 2022

- Procedural/Policy
  - Review of 5-Yr. Validity of CBX Score, Practical training of Law Students (PTLS), Law Office Study (LOS), Exam Administration, Special Admissions and Eligibility rules
  - Recruitment of proctors and exam administration was taken over by PSI for February and July.
  - The October First-Year Law Students' Examination was administered by Prometric utilizing live proctoring and Prometric test centers.
  - Provisional Licensing Program will sunset December 31, 2022
- AIMS
  - Continued system improvements
- Exam Administration
  - Returned to an in-person administration of the California Bar Examination
  - Continued to administer the First-Year Law Students' Examination in an online, remote modality
  - Transferred proctor recruitment from Human Resources back to Operations & Management



# Goals for 2021-2022

- Consider appeals seeking waivers of the Committee's Exam Related policies, procedures and rules - **Each meeting**
- Review reports on administration of the California Bar Examination – **April /October**
- Consider proposed guidelines for interpretation of the *Admissions Rules*, such as in the area of eligibility and administration of examinations - **June (In Progress)**
- Review possible changes to authorize Law Office Study (LOS) applicants to participate in the Practical Training of Law Students program. - **June (In Progress)**
- Review reports on administration of the First-Year Law Students' Examination - **December /August**
- Complete the production of Admissions training videos on the following topics: “preparing to take the Bar Exam” for applicants and proctor training - **August (Deferred)**
- Review of examination fees; specifically, the cost differential for attorney applicants - **(Pending, Board of Trustees)**
- Review possible revisions to Rule 4.17 to be sworn-in no later than five (5) years after passing the California Bar Examination. - **August (In Progress)**



## Strategic Goal 2: Protect the Public by Enhancing Access to and Inclusion in the Legal System

Increase access to the legal system through public outreach and education, improved access to legal advice and services, and a legal profession that reflects the diversity of California's communities.



# O & M Work Plan (2023)

## Effectiveness

- Revise rules to eliminate unnecessary hurdles for all special admissions programs

## Policy and Systems Change

- Continued review and revisions of Admissions Rules relevant to Eligibility, Exam Administration and Special Admissions
  - Circulate for Public Comment
  - Review and approval by the CBE and BOT
  - Final approval by the Supreme Court
- Review of all examination fees
- Consider appeals seeking waivers of the Committee's Exam Related policies, procedures and rules





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# Moral Character Determinations

Work Plan for 2023

Tara Clark, Program Manager

December 2022



# Moral Character Determinations

- Oversee and administer policies related to moral character determinations
- Conduct administrative reviews, upon request, for applicants who receive an adverse moral character determination from staff



# Changes and Initiatives for 2022

- Continued to identify efficiencies in case processing and AIMS
- Continued to evaluate and implement changes to improve applicant communication, including timeliness, messaging, accuracy, and consistency
- Revised Application for Determination of Moral Character
- Revised the Admissions Rules relevant to Moral Character
  - Currently out for a 60-day public comment



# Moral Character Goals 2022

- CBE members to receive a presentation on the dynamics of Post-Traumatic Stress Disorder.
- CBE members to receive a presentation on State Bar Court cases relevant to moral character determinations.
- CBE members to receive a presentation on the State Bar's Ethics School and Client Trust Account School.
- CBE members to review and approve the revised Admissions Rules relevant to Moral Character.
- Receive additional trainings on topics relative to moral character determinations.
- Conduct requested administrative reviews of adverse moral character determinations and make final determinations with respect to Applications for Determinations of Moral Character.



Strategic Goal 2: Protect the Public by Enhancing Access to and Inclusion in the Legal System

Increase access to the legal system through public outreach and education, improved access to legal advice and services, and a legal profession that reflects the diversity of California's communities.





# Moral Character Work Plan (2023)

## Admissions Rules

- Bring the revised rules back to the Committee and the Board of Trustees after public comment
- Provide the revised Admissions Rules pertinent to Moral Character to the Supreme Court for approval
- If approved, implement the revised rules and make necessary changes by July 1, 2023
- Bring the revised procedures to the Committee for adoption



# Training Topics for 2023

- Lawyer Assistance Program
- Rehabilitation Related to a Moral Character Determination
- Unauthorized Practice of Law





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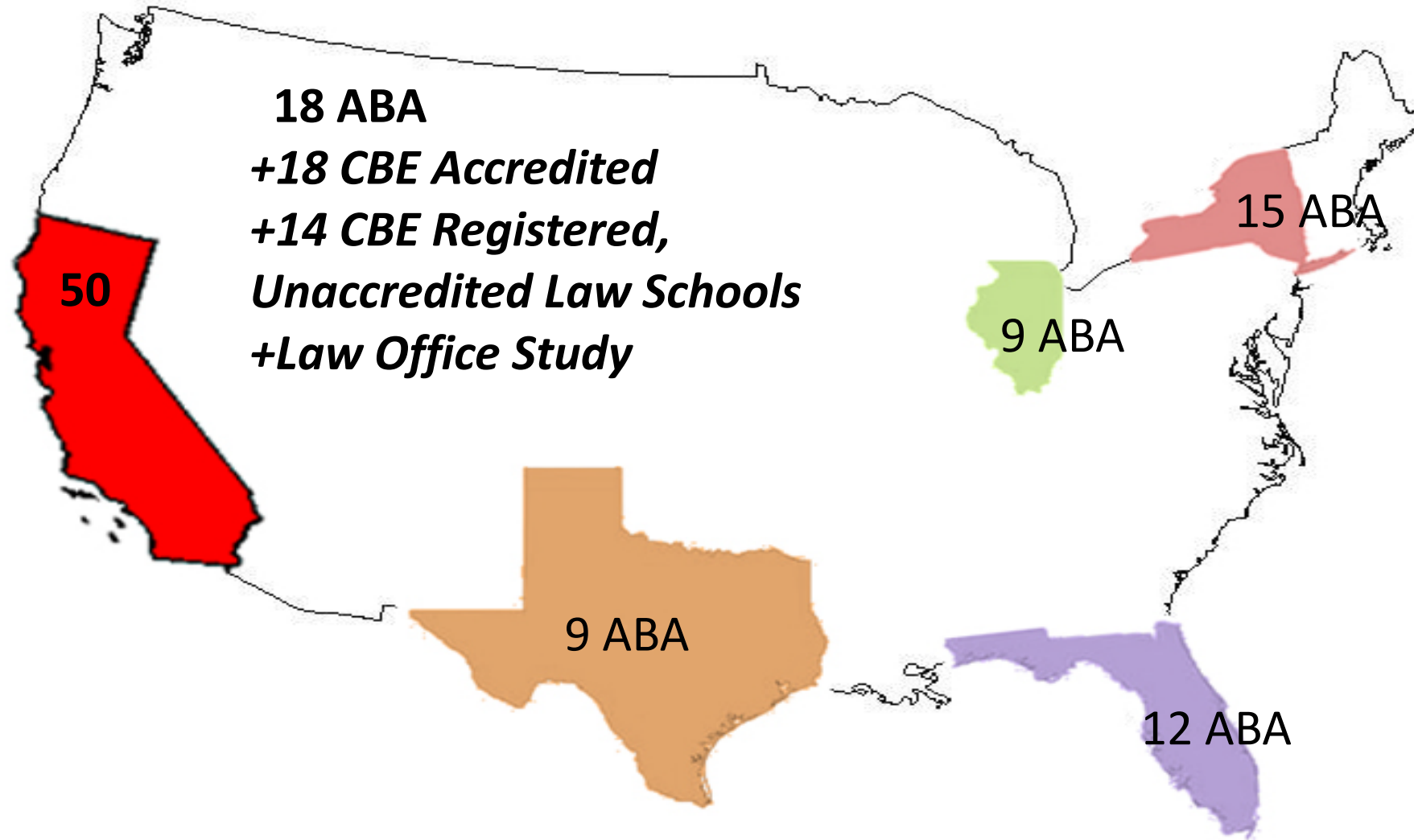
# Educational Standards - Including CSBARS and LSC

Work Plan for 2023

Natalie Leonard, Principal Program Analyst

December 2022

# California Law Schools





# Law School Regulation Functions

- ABA Approved Schools
  - Regulated by the Council of the Section of Legal Education and Admissions to the Bar at the American Bar Association
- State Bar Accredited Schools regulated by the Committee
  - Registered, Unaccredited Schools
    - Fixed-Facility, Correspondence and Distance-Learning
    - Four-year programs only
  - California Accredited Schools
    - Can teach using mixed formats
    - Both full- and part-time programs (3-years or 4-years)
- Law Office Study Program



# Educational Standards

- Accredit and register qualifying law schools
- Monitor law schools for continued compliance
- Evaluate major change requests
- Foster active law school engagement through:
  - Committee of State Bar Accredited and Registered Schools (CSBARS)
  - Law School Council (LSC)
  - Annual Law School Assembly
  - Annual California Registrars' Meeting
  - State Bar Day for Law Students
  - Quarterly Law School e-Newsletter



# CSBARS Functions

- Provide feedback and recommendations as requested by CBE or the State Bar from the perspective of administrators at unaccredited and accredited law schools
- Suggest topics appropriate for ad hoc working group creation within the State Bar's regulatory scope
- Recommend members to participate in working groups
- Suggest topics for law school engagement



# Law School Council Functions

- Provide feedback and recommendations as requested by CBE or State Bar from the perspective of administrators at ABA approved law schools
- Suggest topics appropriate for ad hoc working group creation
- Recommend members to participate in Working Groups
- Suggest topics for law school engagement meetings, interactions, and publications



# Law School Engagement

- Law School Council
  - Seven ABA Deans or Administrators
- Committee on State Bar Accredited and Registered Schools (CSBARS)
  - 3 CALS Deans
  - 2 Registered, Unaccredited Law School Deans
  - 2 CBE Appointed Members

Collaborate with the Office of Access & Inclusion

Collaborate with the Office of Research and Institutional Accountability



## Changes and Initiatives for 2022

- Implement new software to increase interactivity in Law School eNewsletter
- Demographic data collected for the first time in the Annual Report in these categories: sexual orientation; disability status; veteran status
- Intensive workshop on diversity efforts held at Law School Assembly to support the accredited law schools in the creation of 4.160 (C) Diversity, Equity and Inclusion Plans
- Access & Inclusion continued study of law school retention
- Reached out to law schools to participate in National LGBTQ+ Bar Annual Conference and Career Fair held in California



# Educational Standards Goals for 2022

- Evaluated petitions for registration, accreditation and major changes
- Monitored compliance through inspections and reporting, addressing potential noncompliance
- Implemented new Rules for Accredited Law Schools and start two-year transition to full implementation
- Issued specific pandemic waivers to teach online as needed
- Created topic list for review of unaccredited law school rules
- Continued to support the State Bar's strategic initiatives related to law school diversity, retention, and performance on the Bar examination
- Continued to pursue mandatory accreditation for unaccredited law schools in accordance with the Rules and Guidelines approved by the Committee of Bar Examiners and the Board of Trustees.
- Scheduled presentation with an institutional accreditor (Held at Committee request)
- Presentation about non-JD programs at US law schools underway



**Strategic Goal 2: Protect the Public by Enhancing Access to and Inclusion in the Legal System**

Increase access to the legal system through public outreach and education, improved access to legal advice and services, and a legal profession that reflects the diversity of California's communities.





# Educational Standards Work Plan (2023)

- Ensure law school compliance
- Revise Unaccredited Law School Rules revision
- Promote law school engagement
- Review and approve law school retention analysis



## Strategic Goal 4: Protect the Public by Engaging Partners

*Engage partners and stakeholders to enhance public protection and restore the State Bar's credibility, reputation, and impact.*



# Training Topics for 2023

- Present seminars/training to the CBE on issues pertinent to educational standards
  - Review of non-JD programs
  - Presentation from institutional accreditor
  - Update on trends in legal education

