



The State Bar of California

OPEN SESSION AGENDA ITEM O-301 JANUARY 2023 COMMITTEE OF BAR EXAMINERS

DATE: January 27, 2023

TO: Members, Committee of Bar Examiners

FROM: Tammy Campbell, Program Manager

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

EXECUTIVE SUMMARY

The information provided below summarizes the analysis of the costs associated with the October 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 October 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.

For this exam, Prometric provided remote proctoring services. Applicants with testing accommodations and extenuating circumstances that were not able to test in an online format were accommodated either in-person at various Prometric test centers or at conference rooms

in the Los Angeles office of the State Bar of California. The following report details the costs associated with the October 2022 FYLSX.

The direct costs for administering the October 2022 FYLSX were \$89,442 for 238 applicants. This compares to \$108,323 for 272 applicants during the October 2021 FYLSX. This analysis is limited to the costs itemized in Attachment A. It does not include things such as State Bar personnel costs allocated to activities related to the FYLSX including staff time spent preparing for the exam beforehand, during the on-site exam administration and post-exam activities, such as incident review and entering answer inventory.

The aggregate October 2021 FYLSX costs were higher because we paid for facilities in both Northern and Southern California. Every other October, the FYLSX is held in conjunction with the Legal Specialization Exam, and with those combined numbers of accommodated test takers (along with those with extenuating circumstances), the in-person exam in 2021 was not able to be held at State Bar offices. The number of FYLSX applicants from October 2021 to October 2022 represents a 12.5% decrease.

Unlike the October 2021 FYLSX, the remote exam for October 2022 eliminated the need for paid proctors, as examinees taking the exam in-person at the Los Angeles State Bar office were proctored by our staff, and any applicants testing at the Prometric test centers were proctored by Prometric proctors. Hence, the decrease in overall costs for October 2022 FYLSX can be attributed to facility fees, proctor savings, and fewer applicants—since there is a decrease in the costs associated with the remote laptop program fees.

The Prometric platform provides live proctoring during each session of the examination and thus, the manual process of reviewing the flagged videos by all staff after the exam was not required. The new process included the completion of a report that was provided by Prometric with information regarding incidents that happened prior to starting the exam, as well as during an exam session. This reduced the review time on identifying violations. 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. 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.

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 2022 in-person test centers, facility costs were not incurred for facilities as we used the State Bar office and Prometric test centers, and most applicants took the examination online. There were no costs incurred for proctors. 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 software costs for remote applicants.

2. For the October 2022 in-person exam, the 11 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 4.6 percent of the total number of applicants, however the cost to administer the examination to these applicants was approximately 10 percent of the total exam cost.
3. For the October 2021 totals, it cost approximately \$161 to administer the FYLSX to an applicant taking the examination remotely compared to approximately \$4,080 for each applicant taking the examination in-person with testing accommodations/extenuating circumstances. During the October 2022 examination, it cost approximately \$351 to administer the FYLSX to an applicant taking the examination remotely compared to approximately \$892 for each applicant taking the examination at an in-person test center. The overall cost per applicant in October 2021 was approximately \$352 compared to \$376 per applicant for the October 2022 examination.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATION

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

ATTACHMENT(S) LIST

- A. October 2022 Cost-Analysis Breakdown

OCTOBER 2022 FIRST-YEAR LAW STUDENTS' EXAMINATION

<i>Test Center Facility</i>	<i>Prometric Test Centers (\$500)</i>	<i>Nor Cal Totals</i>	<i>LA Offices (L/\$105)</i>	<i>So Cal Totals</i>	<i>In-Person Overall Total</i>	<i>Online Remote (O501/\$500)</i>	<i>Exam Totals</i>	<i>% of Total</i>
Type	TA/Ext		TA/Ext		TA/Ext	Remote		
Capacity	15	15	15	15	30	400	430	
# of Testers	5	5	6	6	11	227	238	
% of Capacity	33.33%	33.33%	40.00%	40.00%	36.67%	56.75%	55.35%	
Meeting Space		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Testing Rooms (TA)	\$400.00	\$400.00		\$0.00	\$400.00		\$400.00	0.45%
Tables & Chairs		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Electrical		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Exemplify License Fee/Prometric		\$0.00		\$0.00	\$0.00	\$65,035.00	\$65,035.00	72.71%
Exam Monitor Fee		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Examsoft Technicians		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Water		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Coffee		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Personal Protective Equipment		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
AV		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
WiFi		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Phones		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Computers		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Shipping		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Staff Rooms & Parking		\$0.00	\$201.96	\$201.96	\$201.96		\$201.96	0.23%
Proctors	\$2,456.64	\$2,456.64		\$0.00	\$2,456.64		\$2,456.64	2.75%
Proctor Parking		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Off-Duty		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Grading	\$321.43	\$321.43	\$385.71	\$385.71	\$707.14	\$14,592.86	\$15,300.00	17.11%
MBE Books & Scoring		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Essay/PT Printing	\$2,749.35	\$2,749.35	\$3,299.21	\$3,299.21	\$6,048.56		\$6,048.56	6.76%
Exam Related Consultants		\$0.00		\$0.00	\$0.00		\$0.00	0.00%
Grand Total	\$5,927.41	\$5,927.41	\$3,886.89	\$3,886.89	\$9,814.30	\$79,627.86	\$89,442.16	100.00%
Cost/Tester	\$1,185.48	\$1,185.48	\$647.81	\$647.81	\$892.21	\$350.78	\$375.81	