



# The State Bar of California

---

## **OPEN SESSION AGENDA ITEM II. A AUGUST 2023 COMMITTEE OF BAR EXAMINERS**

**DATE:** August 18, 2023

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

**FROM:** Judge Robert Brody, Committee of Bar Examiners  
Dolores Heisinger, Committee of Bar Examiners  
Christina Doell, Program Manager

**SUBJECT:** Action on Revised Rule 4.62 of the Admissions Rules: Recommendation to Adopt Following Return from Public Comment and Transmit to the Supreme Court

---

### **EXECUTIVE SUMMARY**

At its March 2023 meeting, the Committee of Bar Examiners (committee) adopted a motion recommending that the Board of Trustees (Board) circulate for a 60-day public comment period a rule change that would set a timeline for applicants to access their exam results. At the May 2023 meeting, the Board concurred with the recommendation of the committee to circulate the proposal. The proposed changes to rule 4.62 of the Rules of the State Bar (Admissions Rules) were circulated for a 60-day public comment period which closed on July 26, 2023. The committee received one public comment. A copy of the comment chart is included as Attachment A. After review of the comment, the working group recommends no change to the proposed rule, and recommends the committee request the Board approve the proposed rule and submit the rule to the Supreme Court for adoption.

---

### **BACKGROUND**

Admissions rule 4.62 sets the timeline for the return of exam results to applicants who were unsuccessful on the California Bar Exam (CBX), or who have passed or failed the First-Year Law Students' Exam (FYLSE). This provision is not applicable to the multiple-choice portion of either exam. The proposed rule change aligns the rule with the current practice for returning scores and exam answers immediately upon the release of results. In 2019, the Office of Admissions

transitioned from mailing exam results by USPS to posting applicant scores and answers to the Applicant Portal.

The exam results are accessible in the Applicant Portal to view, print, and download before being deleted due to space constraints associated with the case management system. The working group recommended posting results for a 30-day period before removing the files to clear space for the next exam's answer files. Outside this allotted time, the exam answers from the last administered exam are available to applicants by submitting a Document Copy Request Form and paying the applicable fee.

At its March 2023 meeting, the committee adopted a recommendation to revise rule 4.62 to reflect the current practice of posting scores and exam answers to the Applicant Portal immediately upon the release of results. The committee recommended that the Board circulate revised rule 4.62 for a 45-day public comment period; however, at its April 2023 meeting, the committee amended its request to circulate rule 4.62 for a 60-day public comment period.

At its May 2023 meeting, the Board agreed to circulate the revised rule for the 60-day public comment period. One comment was received during this period which agrees with the proposal if modified.

## **DISCUSSION**

The [agenda item](#) for the March 2023 committee meeting provides the background describing the recommended revision to rule 4.62 of the Admissions Rules. The [agenda item](#) for the April 2023 committee meeting provides the amendment to extend the public comment period to 60 days.

## **PUBLIC COMMENTS**

The committee received one public comment on the proposal. The comment chart set forth as Attachment A identifies the commenter, a verbatim recitation of their comment, their position on the proposal (as identified by the commenter), and the working group's recommendation as to whether the comment identifies the need for a further change to the proposal. As the committee can see from Attachment A, the working group does not believe any changes to the rule proposal should be made in response to the comment.

The working group expressed disagreement with the commenter's perspective that there should not be "any specific cutoff" for removing applicant answer files. The working group believes that in order to set expectations, timelines should be set and clearly communicated to applicants.

## **FISCAL/PERSONNEL IMPACT**

N/A

## **RECOMMENDATIONS**

It is recommended that the committee request adoption of the proposed rule as circulated for public comment and set forth in Attachment B.

## **PROPOSED MOTION**

Should the committee agree with the working group's recommendation, the following motion should be made:

**MOVE**, that the Committee of Bar Examiners recommends that the Board of Trustees adopt the rule revision set forth in Attachment B and request approval of the rule change by the Supreme Court.

## **ATTACHMENTS LIST**

- A. Public Comment Chart
- B. Proposed Amendments to Title 4 of the Rules of the State Bar, Rule 4.62