



The State Bar of California

OPEN SESSION AGENDA ITEM III.A AUGUST 2023 COMMITTEE OF BAR EXAMINERS

DATE: August 18, 2023

TO: Members, Committee of Bar Examiners

FROM: Tammy Campbell, Program Manager, Office of Admissions
James Efting, Committee of Bar Examiners
David Torres, Committee of Bar Examiners

SUBJECT: Discussion and Action on the Refund of Fees Policy for Examinations

EXECUTIVE SUMMARY

The Office of Admissions conducted a review of its rules, policies, and guidelines in 2022 to ensure that information is still relevant, clear, concise, and does not pose any unnecessary barriers for applicants wishing to be admitted to the State Bar. These materials were also reviewed with an eye toward ensuring public protection, providing greater clarity for applicants, and ensuring consistency when staff applies these rules and policies.

Division 1 of Title 4 of the Rules of the State Bar defines the requirements for admission to practice law in California. The areas of the Admissions Rules that govern Exam Administration include Chapter 5 for Examinations and Chapter 6 for Conduct Violations. Business & Professions Code section 6060.3 also contains language governing exam administration.¹

The Refund of Fees Policy is based on rules that are included in Chapter 5 of the Admissions Rules, as well as in statute, specifically within Business & Professions Code section 6060.3 which governs exam administration. This agenda item recommends that the Committee of Bar Examiners review and approve proposed changes to the Refund of Fees Policy.

¹ All further statutory references are to this code unless otherwise indicated.

BACKGROUND

A working group consisting of volunteer Committee of Bar Examiners (committee) members, James Efting and David Torres was formed to examine the current rules, policies, and guidelines pertaining to Exam Administration, jointly with staff. Subsequent references to the working group in this agenda item refer to this effort. These items were discussed at two previous CBE meetings; those agenda items are linked here: [April 2023 CBE Meeting](#) and [June 2023 CBE Meeting](#).

CALIFORNIA BAR EXAMINATION

Section 6060.3 identifies the filing deadlines, late filing deadlines, and late filing fees for the California bar exam. The section also provides that “application fees for the California bar examination, including fees for late filing, shall be refunded if the applicant does not take the California bar examination because of the death of an immediate family member or the serious illness or disabling injury of the applicant or a member of his immediate family.” The statute allows the State Bar to deduct “administrative costs” from the amount to be refunded. The statute further notes that although it limits its mandate for a refund to circumstances of death, serious illness, or disabling injury, it should “not be construed to prohibit the refund of fees in instances other than those specified.”

State Bar Rule 4.60 similarly identifies the timing of the exams, and Rule 4.61 mirrors the statute in terms of the late filing deadlines. The amount of the late filing fees, matching the statutory provisions, are found in the *Schedule of Charges and Deadlines*. There is no language in the rules interpreting the statutory language related to refunds.

FIRST-YEAR LAW STUDENTS’ EXAMINATION

Section 6060(h)(2)(B) provides that the First-Year Law Students’ Examination (FYLSX) “shall be administered twice a year at reasonable intervals.” State Bar Rule 4.56 identifies the months of administration as June and October.

There is no statutory language establishing deadlines for timely or final filing, late fees, or withdrawal deadlines for first-time examinees or immediate repeaters. The fees for the examination are set forth in *Schedule of Charges and Deadlines*.

It is unknown what year the committee adopted the initial Refund of Fees Policy. However, after review of archived CBE agenda items on refund of fees policies, it was identified that sometime after March 2005, and prior to September 2010 the 95 percent refund was implemented. The policy provides refunds in the amount of 95 percent of all fees paid wherein death, serious or disabling injury of a member of the applicant’s immediate family, or an applicant’s serious or disabling illness or injury or debilitating condition that occurred after submittal of an application for the exam but before the exam is administered prevents an applicant from the examination.

On April 21 and June 23, 2023, the working group presented proposed recommendations for changes to the Refund of Fees Policy, adoption of a new Rejected Fees Policy, and consideration of various issues related to the Refund of Fees Policy on which the working group had not reached consensus.

The committee requested additional information be gathered to assist the committee in making an informed decision. Specifically, the committee asked for the following:

- A more specific definition of “administrative costs,” so that the committee could determine if the working group’s recommendation to reduce the amount of the refund from 95 percent to 20 percent would be consistent with the language and spirit of the statute.
- Discuss administrative costs with Finance to determine if they are aware of any rules, etc. that identify what administrative costs would cover.
- Identify if any State Bar Rules or statutes provide guidance on what “administrative costs” entail.

DISCUSSION

At the June 2023 CBE meeting, although no motion was taken on the Refund of Fees policy, the committee reached consensus on several areas related to the policy. The first part of this discussion section briefly identifies those issues the committee concluded its discussion about; the second section focuses on those items requiring further discussion at this August meeting.

ISSUES ON WHICH THE COMMITTEE REACHED CONSENSUS

CBX and FYLSX Attendance and Refund of Application

The committee discussed whether applicants who withdrew from an exam after the deadline or failed to attend without withdrawing—otherwise referred to as “no-shows” Should be charged a fee. Although such individuals are not entitled to refunds of their application fee, staff articulated additional burdens or challenges attributable to no-shows (which average between 300 and 600 applicants for each administration). The committee agreed that a “no-show” fee would be punitive and should not be assessed.

Withdrawal of Exam Applications

The current Refund of Fees Policy provides that applicants who withdraw from the exam are eligible for a refund of either 60 percent or 30 percent of the exam fee and late fees paid, depending on the proximity of the withdrawal date to the exam date. The refunded amount does not include a refund of any portion of the bank fees for processing credit card payments because although these are fees paid by the applicant, they are received by the bank, and not the State Bar. At the June committee meeting, the committee agreed with the working group that the current approach was appropriate and not in conflict with the statute. Credit card

processing fees will continue to be excluded from determining the amount of the withdrawal refund.

ACH (e-check) Payments

The committee agreed with the working group that it is appropriate to update the Refund of Fees Policy to reflect the electronic checks (ACH) payment option that was implemented in 2019. In addition, the committee recommended that a reference be added to the refund policy to refer to the Rejected Payments Policy adopted at the June meeting which provides that all unsuccessful payments will be assessed an administrative fee, and if full payment is not received within 14 days from notification by the State Bar of California, the application will be deemed abandoned. That language is reflected in the refund policy presented for the committee's consideration (See Attachments A and B).

90 Day Deadline to Submit a Refund Request

Typically, requests for a refund due to the death of an immediate family member, medical emergency, or calamitous occurrence are received at the conclusion of the examination. However, it is not uncommon for refund requests to be submitted one, two, or even five years after the exam has taken place. The working group proposed that refund requests be received within 90 days following the conclusion of the exam administration. This change would allow an exam administration to be fully closed out prior to the next examination, ensuring accurate financial reporting of revenue, and providing a clearer picture of the amount of refunds provided. At its June 2023 meeting, the committee agreed to the 90-day deadline to submit a refund request. The committee also requested that the language specify that requests must be received within 90 days from the first day of the examination. The statute permits the board to adopt regulations for the administration of this provision and the language has been updated accordingly.

Death/Medical Refund after the Bar Exam has Started

The statute requires a refund if an applicant does not "take" the bar exam due to death, serious illness, or disabling injury. The current refund policy permits the 95 percent refund only if the death or disabling injury occurred after the submission of an application to sit for the bar exam, but before the administration of the exam begins. For purposes of this policy, once the applicant appears at the exam, they are deemed to have taken the exam. The committee discussed whether to change the current policy and allow some lesser amount of a refund in these circumstances. The committee concluded that the current interpretation of the statute should not be changed and that no refund would be provided once the exam began. Some staff continue to believe that approach is not consistent with the spirit of the statute at the very least.

Definition of Immediate Family Members

In order to provide clarity on who constitutes an “immediate family member,” for purposes of the refund based on the death, injury, or illness of an immediate family member, the working group was guided by the definition in the California Family Rights Act (CFRA, <https://calcivilrights.ca.gov/employment/family-care-medical-leave-guide/>). The committee agreed to adopt the definition in CFRA and to refer to that act in the policy.

ISSUES FOR WHICH ADDITIONAL INFORMATION OR DISCUSSION WAS REQUIRED

Appropriate Amount of Refund Due to Death, Serious Illness or Disabling Injury

As noted above, the statute directs that refunds shall be provided to applicants who do not take the bar exam due to the serious illness or disabling injury of the applicant or an immediate family member, or due to the death of an immediate family member. The statute requires the refund be in the amount of fees paid for the bar exam, including filing fees, less administrative costs. Based on the statutory language, the committee’s Refund of Fees policy set the amount of the refund at 95 percent, deducting from the total costs paid 5 percent for administrative costs. The 95 percent refund applies to the general exam fee, attorney exam fee, laptop fee, and any late fees paid for submitting the application past the timely filing deadline. It does not include credit card processing fees. For instance, under the existing 95 percent refund policy, a general bar exam application fee of \$677 results in a refund of \$643.15, with an administrative fee of \$33.85.

The working group discussed at length whether the five percent set aside continues to appropriately cover administrative costs incurred. Staff was unable to locate the rationale for how this amount was established. The working group concluded that the current rate results in a financial loss to the State Bar. The receipt of a request for a 95 percent refund incurs additional costs for processing and approving the refund. The statute and the legislative history do not shed any light on what was intended at the time by “administrative costs,” but the language seems to suggest that a significant portion of the funds paid should be refunded in these unfortunate circumstances. The working group is sympathetic to applicants facing such circumstances and recognizes that they are beyond the applicant’s control. However, the working group is also aware of the high costs of administering the bar exam and the fact that the Admissions budget has a structural deficit. The working group explored ways in which to thread the needle between these two very real concerns.

In considering whether to adjust the refund policy, the working group examined policies from other bar jurisdictions. Staff explored jurisdictions that are comparable to California (New York, Florida, Washington D.C., Massachusetts, and Texas) and learned that most jurisdictions do not allow refunds of exam fees under any circumstances; one jurisdiction considers granting refunds in extenuating circumstances, but, seldomly, grants such requests. For the jurisdiction that offers refunds in extenuating circumstances, if approved, a 100 percent credit is transferred to the next examination with no refunds for ExamSoft fees. The California State Bar

does not transfer fees from one exam to another as a general practice. AIMS is not equipped to allow credits for future exams without a manual process and the resources to make the change, if the current platform allows it, would be extensive. As a result, staff do not recommend a policy that would allow the transfer of fees.

The working group had recommended increasing the percentage of administrative costs deducted from these refunds from 5 percent to 80 percent to account for the resources already invested leading up to the exam day.

The committee questioned whether the statute permitted withholding such a large percentage of the application fees paid. Originally, there was some agreement that administrative costs included the following: the process of handling an exam application from receipt to approval; and sunk costs associated with test center expenses, such as facility rental, proctors, electrical, printing of exam materials, and ordering and packing supplies for test centers. Additionally, once the exam begins, there are further costs related to onsite staff, proctor time, shipping of exam materials, and other operational expenses.

In light of the significant change proposed, the statutory direction to provide refunds in such instances, and the lack of a statutory definition of administrative costs, the committee requested that staff determine if there is a definition in statute, State Bar rules, or State Bar practice that could guide the committee's decision.

After conferring with the State Bar Office of Finance, it was determined that they were not aware of any specific statutes or rules that could define administrative costs. Finance stated that administrative costs would be any costs incurred to administer the bar exam prior to the bar exam itself.

A review of the rules turned up only one reference to administrative costs. Rule 3.251 provides that participants in the Lawyer Assistance Program (LAP) are responsible for all expenses (such as the cost of group meetings or drug testing) "and may be charged a reasonable fee for administrative costs." The rule does not define administrative costs, and the Lawyer Assistance Program has never assessed such a fee so the committee cannot gain any insight from this rule. Given that LAP contracts directly with vendors for services that are provided to applicants, any fees paid by applicants for services are paid directly to the contractor; thus, there are no fees to be refunded on behalf of the Lawyer Assistance Program.

Further guidance was sought with the Office of Access and Inclusion on what they consider administrative costs in grant oversight capacity. They consider administrative costs consist of costs related to running the program. With regards to grants, they would consider administrative costs to be costs that commence from the start of the grant to the end of compliance.

Other statutes under the California Business & Professions codes were reviewed with one government code providing some guidance. Title 2, Division 3 of the Executive Department, Part 1 for State Departments and Agencies specifically identifies Chapter 3, Article 2 for General

Administrative Costs under Section 11270 that “administrative costs” means the amounts expended by the Legislature,..... and proration of any other cost to or expense of the state for services or facilities provided for the Legislature and the above agencies, for supervision or administration of the state government or for services to other state agencies.

Additional research was done to identify any other government agencies that might have a definition. While none of the government agency information was based on similar work or conditions that Admissions is seeking a solution for, a common theme that was helpful was the distinction that direct costs and indirect costs are both components of administrative costs.

The closest comparison that could be found was a federal definition with the U.S. Department of Education regarding an administrative cost cap on grants. The document defines administrative costs as those that encompass grant expenses associated with administering the grant. These costs can be both personnel and non-personnel, and both direct and indirect. Therefore, the limitation applies to the combined claims for indirect costs and direct administration costs. Generally, direct administrative costs differ from indirect charges in that the latter are considered organization-wide costs (<https://www.ed.gov>)

In developing its recommendation earlier this year related to fee increases for admissions programs and services, the committee was presented with a spreadsheet that showed that the projected Admissions costs for the bar exam was \$14.5 million, while the revenue received was only \$11 million. In other words, in considering the proportionate share of staff time, true costs for administering the bar exam such as proctors, facilities, the MBE, etc. the costs exceed the revenue.

Limiting the cost analysis to just the direct, non-personnel costs of administering the exam (i.e., facility costs, tables and chairs, electrical outlets, audio-visual, water, phones, computers, Exemplify License Fee, exam materials, proctors and proctor parking, shipping, off duty officers, staff rooms and parking, etc.), the table below shows the costs per applicant for two exam cycles prior to the pandemic, and since the return to in-person exams in February 2022.

July 2018	February 2019	July 2019	February 2020	February 2022	July 2022	February 2023
\$255	\$283	\$280	\$319	\$942	\$598	\$679

Based on the information obtained during all research with other jurisdictions, review of various statutes, State Bar rules, discussion with other State Bar departments, and research for other government agencies, it appears that administrative costs should be any expenditures leading up to the exam for an applicant to sit for the exam. The table below provides various scenarios, including some that were previously recommended by the committee as a reference point to how much a refund is based on the various percentages listed.

\$677	5%	10%	15%	20%	25%	50%	80%
Applicant	\$643.15	\$609.30	\$575.45	\$541.60	\$507.75	\$338.50	\$135.40
Admissions	\$33.85	\$67.70	\$101.55	\$135.40	\$169.25	\$338.50	\$541.60

After review of all items, information, and previous discussions, the staff recommendation is to provide a 50 percent refund of fees to applicants for a death or medical emergency that occurred after submittal of an application for the exam but before the exam is administered.

FISCAL/PERSONNEL IMPACT

Retaining half of the exam fees to cover administrative costs (direct and indirect) would help address the structural deficit in the Office of Admissions. Changing the current refund policy to broaden the definition of family members will likely increase the number of refunds issued. Although staff anticipates the number of applicants eligible for a refund based on this new definition to be extremely small, given the current state of the budget, some consideration should be given to any potential loss of revenue.

RECOMMENDATION

It is recommended that the Committee approve the proposed revisions to the Refund of Fees Policy pertaining to examinations in Attachment B.

PROPOSED MOTION

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

MOVE, that the Committee of Bar Examiners approves the proposed revisions to the Refund of Fees Policy set forth in Attachment B.

ATTACHMENT(S) LIST

- A.** Proposed Amendments to Exam Administration Refund of Fees Policy (Redline)
- B.** Proposed Amendments to Exam Administration Refund of Fees Policy (Clean)

REFUND OF FEES POLICY Refund of Fees Policy

Refunds shall be provided for the withdrawal of any of the following applications only as set forth in this policy: The following schedule has been adopted for the refund of fees associated with the filing of the Registration form, an Application to Take the California Bar Examination, an Application to Take the First-Year Law Students' Examination, an Application for Determination of Moral Character, or an Application for Extension of Determination of Moral Character. Applicants must be registered prior to submitting any application. The Registration form may be filed simultaneously with the application; however, the application and fees will be returned if the registration is not approved within ten days of receipt of the application.

The transfer of fees from one examination to another is prohibited. No portion of credit card processing fees shall be refunded.

WITHDRAWALS Withdrawals

In order for a refund to be processed according to the schedule, an express withdrawal must be in writing and actually received in the State Bar's Office of Admissions no later than the established deadlines. STOPPING PAYMENT ON A CHECK, OR DISHONORING A CHECK, OR DISPUTING A CREDIT CARD CHARGE, DOES NOT CONSTITUTE WITHDRAWING FROM AN EXAMINATION.

Application to Take the California Bar Examination/First-Year Law Students' Examination

1. Requests for ~~W~~withdrawal of applications and requests for refunds received within 30 days after the applicable deadline for timely filing, for both by first time and immediate repeater applicants, will be honored with a 60% percent refund of application and late fees paid in conjunction with the subject examination.
2. Requests for by first-time applicants for ~~W~~withdrawal of applications and requests for refunds received within 45 days after the deadline for timely filing, by first time applicants, will be honored with a 30% percent refund of application and late fees paid in conjunction with the subject examination. This deadline also applies to those applicants who have previously taken an examination other than the most recent examination.
3. Requests for ~~W~~withdrawal of applications and requests for refunds received within 35 days after the deadline for timely filing, by from applicants seeking to repeat the examination having been unsuccessful on the examination last administered immediately preceding the examination for which this application was submitted, will be honored with a 30% percent refund of application and late fees paid in conjunction with the subject examination.
4. Stopping payment on a check, dishonoring a check, or disputing a credit card charge does not constitute withdrawing from an exam.

5. Only timely submitted withdrawals shall be considered for refunds.
6. Withdrawal requests must be submitted through the Applicant Portal.

Refunds will not be issued for:

1. ~~Requests for withdrawal filed in excess of **35 days** after the deadline for timely filing, by applicants seeking to repeat the examination, having been unsuccessful on the examination last administered immediately preceding the examination into which current admission was sought, will not be considered.~~
2. ~~Requests for withdrawal filed in excess of **45 days** after the deadline for timely filing, by first-time applicants, and applicants who have previously taken an examination but who did not take the most recent examination, will not be considered.~~

Application for Determination of Moral Character

Withdrawal of Applications for Determination of Moral Character and requests for refunds received within 30 days of the online submittal date, for online applications, or the received date, for paper form applications, will be honored with a 60% percent refund of application fees paid in conjunction with the Application for Determination of Moral Character. Any requests received after 30 days will not be entitled to a refund.

~~**REGISTRATION/EXAMINATION INELIGIBILITY**~~ **Registration/Examination Ineligibility**

The Registration form may be filed simultaneously with an application; however, the application and fees will be refunded if the registration is not approved within ten days of receipt of the application. A registration will be deemed approved when the requisite fees, signature, properly executed declaration, and all required documentation verifying eligibility have been provided.

Applicants for registration found to be ineligible due to a lack of pre-legal education will qualify for a 100% percent refund of all fees paid in conjunction with registration. Registration is deemed abandoned if all required documentation and fees have not been received within sixty days of submittal. No refund is issued for an abandoned registration.

Attorney's Exam

- ~~Attorneys applicants~~ who apply to take the Attorneys' Examination and are found to be ineligible due to a lack of the requisite qualifications will ~~qualify for~~ receive a 60 percent refund of application and late fees paid in conjunction with the ~~subject~~ examination if all required certificates of good standing are received by the State Bar Office of Admissions no later than the published deadlines for establishing eligibility

General Bar Exam

- Applicants who applied to take the General Bar Examination and are found to be ineligible due to a lack of the requisite legal education, will qualify for a 60% percent refund of qualifying fees paid in conjunction with the ~~subject~~ exam.

First-Year Law Students' Examination

- Applicants who applied to take to the First-Year Law Students' Examination and are found to be ineligible due to a lack of the requisite legal education will qualify for a 60% percent refund of qualifying fees paid in conjunction with the ~~subject~~ examination.

~~DEATH OR PHYSICAL INCAPACITY~~ Death, Serious Illness or Disabling Injury

Refunds in the amount of 50% percent of all fees paid, excluding credit card processing fees, in conjunction with the subject exam shall be honored due to the death or physical incapacity of an applicant or their immediate family under the circumstances described below: will be made according to the following schedule for those situations wherein any of the following prevents an applicant from taking the First-Year Law Students' Examination or the California Bar Examination. In the case of physical incapacity, the refunds are available will be made only in instances of severe unavoidable and incapacitating circumstances. Official Documentation relative to death or physical incapacity must accompany any request for refund due to death or physical incapacity according to the following schedule. Requests must be received no later than 90 days after the examination for which a refund is being requested.

1. Death, serious illness, or disabling injury of a member of the applicant's immediate family that occurred after submission of an application for the examination but prior to before the ~~administration of the subject examination~~ is administered and which death, illness, or injury is certified on the Request for Refund of Fees ~~Committee's form or~~;

Immediate family member includes only those family members for whom an employee may take family care and medical leave under the California Family Rights Act (Gov. Code §12945.2)

2. Applicant's serious illness or disabling injury that occurred after submission of an application for the examination but prior to before the ~~administration of the subject examination~~ is administered and which illness or injury or condition is certified on the ~~Committee's~~ refund form under penalty of perjury; and,
3. Calamitous occurrences involving the applicant such as loss of freedom due to terrorist acts or disorientation due to fire, flood, or other severe disaster over which the applicant had no control and the existence of which had not terminated 30 days or less prior to before the administration of the subject examination.

~~Official Documentation relative to death or physical incapacity must accompany any request for refund due to death, serious illness, or disabling injury according to the following schedule.~~
Official documentation consists of the following:

- Serious illness of the applicant or his/her immediate family member – the request for refund must be accompanied by a letter from the treating physician on his/her official letterhead, which includes the doctor’s license number, that verifies the information provided on the request form, including the diagnosis, first onset, duration of illness and/or hospital stay, date of the last visit/evaluation.
- Death of a member of the applicant’s immediate family – the request for refund must be accompanied by a copy of the death certificate.
- Disabling injury of a member of the applicant’s immediate family - the request for refund must be accompanied by a letter from the treating physician on his/her official letterhead, which includes the doctor’s license number, that verifies the information provided on the request form, including the diagnosis, first onset, duration of illness and/or hospital stay, date of the last visit/evaluation.
- Calamitous occurrence - request must be verified by appropriate, relevant documentation, e.g., insurance claims, Letter from FEMA, etc.

Requests must be received no later than 90 days after the first day of the examination for which a refund is being requested.

~~SERVICE IN THE ARMED FORCES~~ Service in the Armed Forces

Refunds in the amount of 95% percent of all fees paid in conjunction with the subject examination will be made ~~according to the following schedule~~ wherein either of the following prevents an applicant from preparing for or taking the First-Year Law Students’ Examination or the California Bar Examination.

1. An unanticipated call to active duty in the armed forces; or
2. An unanticipated change in military orders.

Refunds will be made only upon presentation of appropriate documentation, which must accompany any request for a refund~~according to the following schedule.~~

APPLICATION ABANDONMENT

~~Registrations that are not brought to a complete and approved status within 60 days of receipt will be abandoned. A registration will be deemed approved when the requisite fees, signature, properly executed declaration, and all required documentation verifying eligibility have been provided.~~

First-Year Law Students' Examination and California Bar Examination applications not brought to a complete and filed status by the final filing deadline will be abandoned. This includes, but is not limited to: (1) applications not signed, (2) application declarations not received, ~~(3) application fees not received or incomplete,~~ (43) incomplete applications, and ~~(54)~~ approved registrations not on file.

Applications with rejected/insufficient fees payments ~~found to be invalid after the final filing deadline will be abandoned.~~ must be resolved within 14 days from notification of insufficient payment. If acceptable payment is not received, the application will be abandoned. application will be deemed abandoned. If application is abandoned, applicants may still apply for the exam if the deadline has not passed and the application is submitted with a valid payment.

First-Year Law Students' Examination and California Bar Examination applications without eligibility determinations by the final eligibility deadline will be abandoned.

Moral character determination applications that are not brought to a complete ~~and filed~~ status will be deemed incomplete and will be provided with an incomplete notice describing the deficiencies. The applicant will have 60 days ~~of~~ from the date of notice to cure the deficiencies. If the applicant fails to cure the deficiencies, the application will be deemed abandoned. ~~online submittal date, for online applications, or the received date, for paper form applications, will be abandoned. This includes the lack of requisite fees, signature, or required information/documentation. Once the moral character determination application is in filed status, if the applicant receives notice to provide information, but does not provide such information within 90 days of the request, the application will be abandoned.~~

No refund of fees will be paid in the event a registration or application is abandoned. If the registration or application has an outstanding balance at the time of the abandonment, the outstanding balance must be paid before any future registration or application is processed.

NET REFUND AMOUNT

If an applicant qualifies for a refund in accordance with this Refund of Fees Policy for a registration or application but has an outstanding balance due that outstanding balance shall be subtracted from the amount of the refund otherwise due.

~~If an applicant qualifies for a refund in accordance with this Refund of Fees Policy for a registration or application, but has an outstanding balance due for other transactions, the net refund amount will be the qualifying refund amount minus the balance due for the other transactions.~~

~~Refund Policy.0316~~

Adopted by Committee of Bar Examiners August 18, 2023

Refund of Fees Policy

Refunds shall be provided for the withdrawal of any of the following applications only as set forth in this policy: Registration form, an Application to Take the California Bar Examination, an Application to Take the First-Year Law Students' Examination, an Application for Determination of Moral Character, or an Application for Extension of Determination of Moral Character.

The transfer of fees from one examination to another is prohibited. No portion of credit card processing fees shall be refunded.

Withdrawals

Application to Take the California Bar Examination/First-Year Law Students' Examination

1. Requests for withdrawal of applications received within **30 days** after the applicable deadline for timely filing, for both first time and immediate repeater applicants, will be honored with a 60 percent refund of application and late fees paid in conjunction with the subject exam.
2. Requests for by first-time applicants for withdrawal of applications received within **45 days** after the deadline for timely filing, will be honored with a 30 percent refund of application and late fees paid in conjunction with the subject exam. This deadline also applies to applicants who have previously taken an exam other than the most recent exam.
3. Requests for withdrawal of applications received within **35 days** after the deadline for timely filing, from applicants seeking to repeat the exam having been unsuccessful on the exam immediately preceding the exam for which this application was submitted, will be honored with a 30 percent refund of application and late fees paid in conjunction with the subject exam.
4. Stopping payment on a check, dishonoring a check, or disputing a credit card charge does not constitute withdrawing from an exam.
5. Only timely submitted withdrawals shall be considered for refunds.
6. Withdrawal requests must be submitted through the Applicant Portal.

Application for Determination of Moral Character

Withdrawal of Applications for Determination of Moral Character and requests for refunds received within 30 days of the online submittal date, for online applications, or the received date, for paper form applications, will be honored with a 60 percent refund of application fees paid in conjunction with the Application for Determination of Moral Character. Any requests received after 30 days will not be entitled to a refund.

Registration/Examination Ineligibility

The Registration form may be filed simultaneously with an application; however, the application and fees will be refunded if the registration is not approved within ten days of receipt of the application. A registration will be deemed approved when the requisite fees, signature, properly executed declaration, and all required documentation verifying eligibility have been provided.

Applicants for registration found to be ineligible due to a lack of pre-legal education will qualify for a 100 percent refund of all fees paid in conjunction with registration. Registration is deemed abandoned if all required documentation and fees have not been received within sixty days of submittal. No refund is issued for an abandoned registration.

Attorney's Exam

- Attorneys who apply to take the Attorneys' Exam and are found to be ineligible due to a lack of the requisite qualifications will receive a 60 percent refund of application and late fees paid in conjunction with the examination if all required certificates of good standing are received by the State Bar Office of Admissions no later than the published deadlines for establishing eligibility.

General Bar Exam

- Applicants who apply to take the General Bar Examination and are found to be ineligible due to a lack of the requisite legal education, will qualify for a 60 percent refund of qualifying fees paid in conjunction with the exam. All required documents (transcripts, legal evaluations, certificate of good standing, etc.) are to be received by the State Bar Office of Admissions no later than the published deadlines for establishing eligibility.

First-Year Law Students' Examination

- Applicants who applied to take to the First-Year Law Students' Examination and are found to be ineligible due to a lack of the requisite legal education will qualify for a 60 percent refund of qualifying fees paid in conjunction with the examination. All required documents (transcripts, legal evaluations, certificate of good standing, etc.) are to be received by the State Bar Office of Admissions no later than the published deadlines for establishing eligibility.

Death, Serious Illness or Disabling Injury

Refunds in the amount of 50 percent of all fees paid, excluding credit card processing fees, in conjunction with the subject exam shall be honored due to the death or serious illness or disabling injury of an applicant or their immediate family under the circumstances described below:

1. Death, serious illness, or disabling injury of a member of the applicant's immediate family that occurred after submission of an application for the exam but before the exam is administered and which death, illness, or injury is certified on the Request for Refund of Fees form.

Immediate family member includes only those family members for whom an employee may take family care and medical leave under the California Family Rights Act (Gov. Code §12945.2); and,

2. Applicant's serious illness or disabling injury that occurred after submission of an application for the examination but before the exam is administered and which illness or injury or condition is certified on the refund form under penalty of perjury; and,
3. Calamitous occurrences involving the applicant such as loss of freedom due to terrorist acts or disorientation due to fire, flood, or other severe disaster over which the applicant had no control and the existence of which had not terminated 30 days or less before the administration of the subject exam.

Official documentation must accompany any [request for refund](#) due to death, serious illness, or disabling injury. Official documentation consists of the following:

- Serious illness of the applicant or his/her immediate family member – the request for refund must be accompanied by a letter from the treating physician on his/her official letterhead, which includes the doctor's license number, that verifies the information provided on the request form, including the diagnosis, first onset, duration of illness and/or hospital stay, date of the last visit/evaluation.
- Death of a member of the applicant's immediate family – the request for refund must be accompanied by a copy of the death certificate.
- Disabling injury of a member of the applicant's immediate family - the request for refund must be accompanied by a letter from the treating physician on his/her official letterhead, which includes the doctor's license number, that verifies the information provided on the request form, including the diagnosis, first onset, duration of illness and/or hospital stay, date of the last visit/evaluation.
- Calamitous occurrence - request must be verified by appropriate, relevant documentation, e.g., insurance claims, Letter from FEMA, etc.

Requests must be received no later than 90 days after the first day of the examination for which a refund is being requested.

Service in the Armed Forces

Refunds in the amount of 95 percent of all fees paid in conjunction with the subject exam will be made where either of the following prevents an applicant from preparing for or taking the First-Year Law Students' Exam or the California Bar Exam.

1. An unanticipated call to active duty in the armed forces; or
2. An unanticipated change in military orders.

Refunds will be made only upon presentation of appropriate documentation, which must accompany any [request for a refund](#).

APPLICATION ABANDONMENT

First-Year Law Students' Examination and California Bar Examination applications not brought to a complete and filed status by the final filing deadline will be abandoned. This includes but is not limited to: (1) applications not signed, (2) application declarations not received, (3) incomplete applications, and (4) approved registrations not on file.

Applications with rejected/insufficient payments must be resolved within 14 days from notification of insufficient payment. If acceptable payment is not received, the application will be abandoned.

First-Year Law Students' Examination and California Bar Examination applications without eligibility determinations by the final eligibility deadline will be abandoned.

Moral character determination applications that are not brought to a complete status will be deemed incomplete and will be provided with an incomplete notice describing the deficiencies. The applicant will have 60 days from the date of notice to cure the deficiencies. If the applicant fails to cure the deficiencies, the application will be deemed abandoned.

No refund of fees will be paid in the event a registration or application is abandoned. If the registration or application has an outstanding balance at the time of the abandonment, the outstanding balance must be paid before any future registration or application is processed.

NET REFUND AMOUNT

If an applicant qualifies for a refund in accordance with this Refund of Fees Policy for a registration or application but has an outstanding balance due that outstanding balance shall be subtracted from the amount of the refund otherwise due.