



# The State Bar of California

OFFICE OF THE EXECUTIVE DIRECTOR

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May 11, 2020

SENT VIA EMAIL

Hon. Tani G. Cantil-Sakauye, Chief Justice of California  
Associate Justices of the California Supreme Court  
350 McAllister Street, 5<sup>th</sup> Floor  
San Francisco, CA 94102-4797

RE: Workplan for Delivery of the June 2020 First-Year Law Students' Examination and the  
September 2020 California Bar Examination

Dear Chief Justice Cantil-Sakauye and Associate Justices:

Pursuant to the Supreme Court's direction by letter dated April 27, 2020, attached is a workplan setting forth key goals, milestones, and beta-testing for the online administration of the June 2020 First-Year Law Students' Examination and the September 2020 California Bar Examination. The document is effectively three separate workplans: one for the First Year Examination, one for administering the Bar Exam online, and one for administering the Bar Exam in person should online administration not be possible.

We have been working diligently in the two weeks since the Supreme Court announced its decision to ensure that we identify the many challenges that must be addressed in a successful effort to transition the First Year Exam and the Bar Exam into online examinations. A sampling of the types of issues being considered, and categorized amongst the milestones in the attached workplan, include:

- Exam security and integrity;
- Technology – including testing and development to be able to administer an online examination as well as changes needed to our existing Admissions Information Management System;
- Rule or guideline changes;
- Communications with applicants and law schools;
- Testing Accommodations or access issues that necessitate in person venues even for an online administration;



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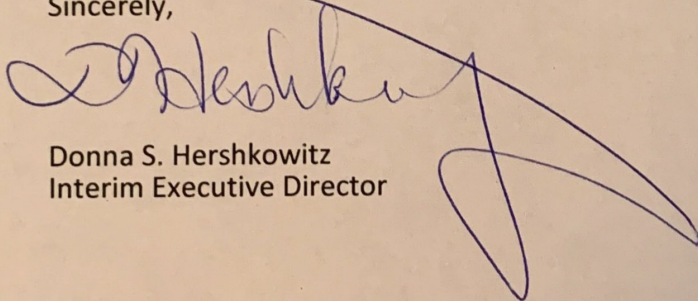
- In person venues if the exam cannot be conducted online; and
- Grading

In addition, key to the ability to deliver the Bar Exam online, is whether the National Conference of Bar Examiners (NCBE) will provide a variation on the Multistate Bar Examination (MBE) that can be used effectively to scale the written portion of the Bar Exam and determine passing scores. We are in communication with NCBE on this matter, and hope to resolve that question within one week. We appreciate your staff's participation with us in those discussions.

The California Bar Examination is a high-stakes examination. We must approach our responsibility to transition this exam to an online administration thoughtfully, methodically, deliberately, and accurately. And, we also must do so quickly to meet the needs of the applicants and the direction of the Supreme Court.

The workplan is, by necessity, a living document. As we gain more information about the type of MBE we could have access to in an online environment, as beta testing proceeds, and as we learn more, we will update the workplan to guide our efforts toward a successful implementation of the First Year Law Students' Examination and the California Bar Examination. We will keep the Court apprised of significant developments.

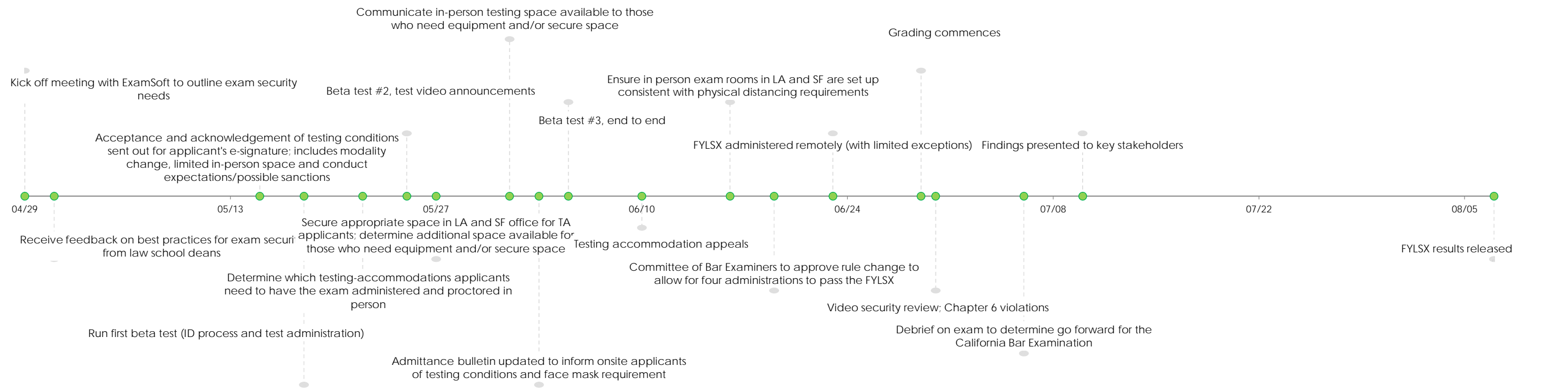
Sincerely,

A handwritten signature in blue ink, appearing to read "Donna S. Hershkowitz", with a long, sweeping horizontal line extending to the right.

Donna S. Hershkowitz  
Interim Executive Director

WORKPLAN PROJECT MILESTONES: JUNE FYLSX

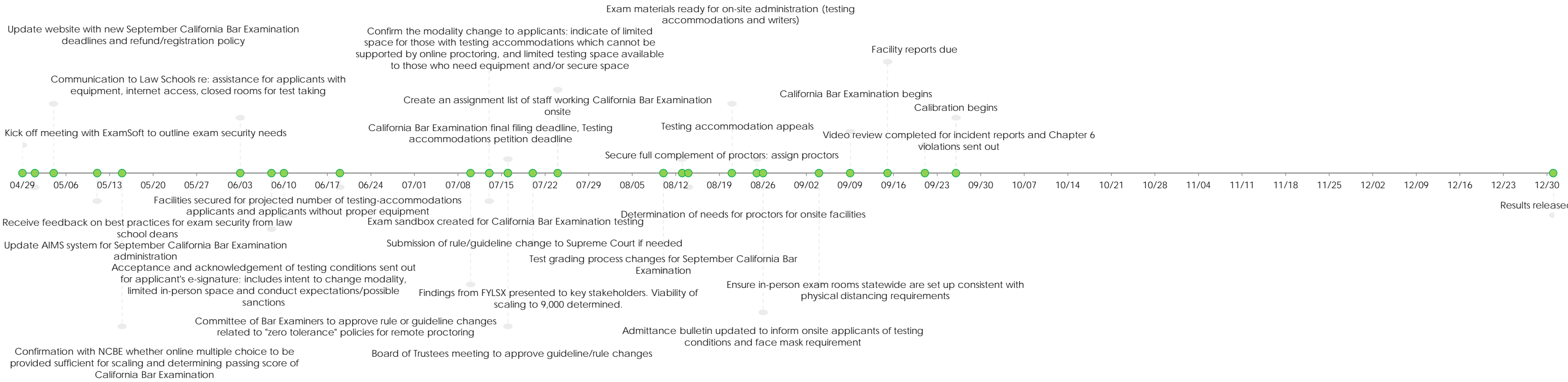
GOAL: Deliver the June First-Year Law Students' Examination (FYLSX) online, utilizing remote proctoring, while maintaining the appropriate level of exam security; ensuring the ability to accommodate all applicants regardless of their access to technology or appropriate testing venue, and retaining the same grading rigor applied to prior exams.



DATE	MILESTONE	CATEGORY
04/29	Kick off meeting with ExamSoft to outline exam security needs	Testing
05/01	Receive feedback on best practices for exam security from law school deans	Security
05/15	Acceptance and acknowledgement of testing conditions sent out for applicant's e-signature; includes modality change, limited in-person space and conduct expectations/possible sanctions	Communications
05/18	Run first beta test (ID process and test administration)	Testing
05/22	Determine which testing-accommodations applicants need to have the exam administered and proctored in person	Exam
05/25	Beta test #2, test video announcements	Testing
05/27	Secure appropriate space in LA and SF office for TA applicants; determine additional space available for those who need equipment and/or secure space	Space Planning
06/01	Communicate in-person testing space available to those who need equipment and/or secure space	Communications
06/03	Admittance bulletin updated to inform onsite applicants of testing conditions and face mask requirement	Exam
06/05	Beta test #3, end to end	Testing
06/10	Testing accommodation appeals	Application Processing
06/16	Ensure in person exam rooms in LA and SF are set up consistent with physical distancing requirements	Exam
06/19	Committee of Bar Examiners to approve rule change to allow for four administrations to pass the FYLSX	Rule/guideline change
06/23	FYLSX administered remotely (with limited exceptions)	Exam
06/29	Grading commences	Grading
06/30	Video security review; Chapter 6 violations	Security
07/06	Debrief on exam to determine go forward for the California Bar Examination	Go/No Go
07/10	Findings presented to key stakeholders	Communications
08/07	FYLSX results released	Exam

WORKPLAN PROJECT MILESTONES: SEPT CBX ONLINE

GOAL: Deliver the September California Bar Examination online, utilizing remote proctoring, while maintaining the appropriate level of exam security; ensuring the ability to accommodate all applicants regardless of their access to technology or appropriate testing venue, and retaining the same grading rigor applied to prior exams.



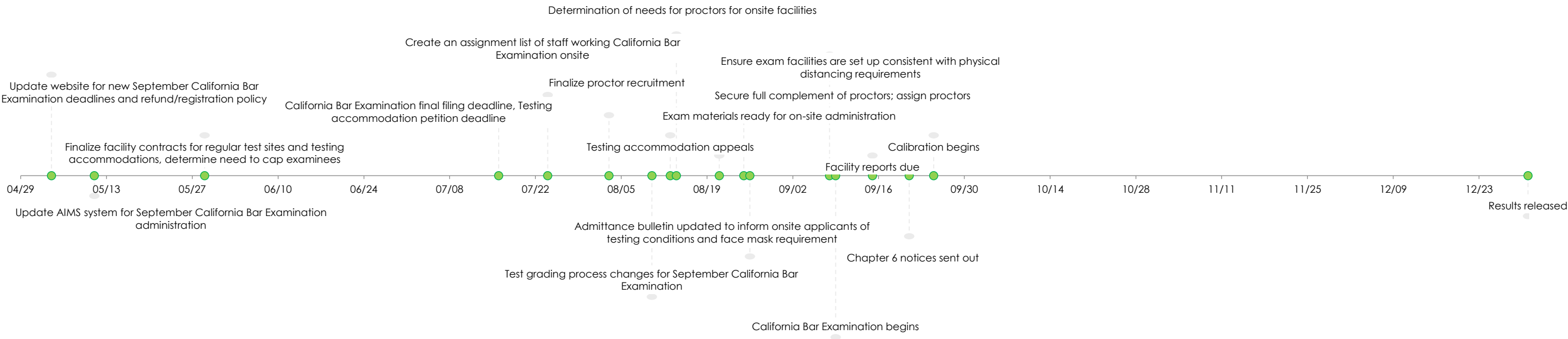
DATE	MILESTONE	CATEGORY
04/29	Kick off meeting with ExamSoft to outline exam security needs	Security
05/01	Receive feedback on best practices for exam security from law school deans	Communications
05/04	Update website with new September California Bar Examination deadlines and refund/registration policy	Communications
05/11	Update AIMS system for September California Bar Examination administration	AIMS
05/15	Confirmation with NCBE whether online multiple choice to be provided sufficient for scaling and determining passing score of California Bar Examination	Go / No Go
06/03	Communication to Law Schools re: assistance for applicants with equipment, internet access, closed rooms for test taking	Communications
06/08	Acceptance and acknowledgement of testing conditions sent out for applicant's e-signature; includes <i>intent</i> to change modality, limited in-person space and conduct expectations/possible sanctions	Communications
06/10	Facilities secured for projected number of testing-accommodations applicants and applicants without proper equipment	Space Planning
06/19	Committee of Bar Examiners to approve rule or guideline changes related to "zero tolerance" policies for remote proctoring	Rule / Guideline Changes
07/10	Findings from FYLSX presented to key stakeholders. Viability of scaling to 9,000 determined.	Go / No Go
07/13	Confirm the modality change to applicants; indicate of limited space for those with testing accommodations which cannot be supported by online proctoring, and limited testing space available to those who need equipment and/or secure space	Communications
07/13	Exam sandbox created for California Bar Examination testing	Testing
07/16	California Bar Examination final filing deadline, Testing accommodations petition deadline	Application Processing
07/16	Board of Trustees meeting to approve guideline/rule changes	Rule / Guideline Changes
07/20	Submission of rule/guideline change to Supreme Court if needed	Rule / Guideline Changes
07/24	Create an assignment list of staff working California Bar Examination onsite	Exam
08/10	Test grading process changes for September California Bar Examination	Testing
08/13	Testing accommodation appeals	Application Processing

08/14	Determination of needs for proctors for onsite facilities	Exam
08/21	Exam materials ready for on-site administration (testing accommodations and writers)	Written Materials
08/25	Secure full complement of proctors; assign proctors	Exam
08/26	Admittance bulletin updated to inform onsite applicants of testing conditions and face mask requirement	Communication
09/04	Ensure in-person exam rooms statewide are set up consistent with physical distancing requirements	Exam
09/09	California Bar Examination begins	Exam
09/15	Facility reports due	Exam
09/21	Video review completed for incident reports and Chapter 6 violations sent out	Security
09/26	Calibration begins	Grading
12/31	Results released	Grading



WORKPLAN PROJECT MILESTONES: SEPT CBX IN PERSON

GOAL: Deliver the September California Bar Examination in-person, at facilities contracted statewide; including testing accommodation sites.



DATE	MILESTONE	CATEGORY
05/04	Update website for new September California Bar Examination deadlines and refund/registration policy	Communications
05/11	Update AIMS system for September California Bar Examination administration	AIMS
05/29	Finalize facility contracts for regular test sites and testing accommodations, determine need to cap examinees	Exam
07/16	California Bar Examination final filing deadline, Testing accommodation petition deadline	Application Processing
07/24	Create an assignment list of staff working California Bar Examination onsite	Exam
08/03	Finalize proctor recruitment	Exam
08/10	Test grading process changes for September California Bar Examination	Grading
08/13	Testing accommodation appeals	Application Processing
08/14	Determination of needs for proctors for onsite facilities	Exam
08/21	Exam materials ready for on-site administration	Written Materials

08/25	Secure full complement of proctors; assign proctors	Exam
08/26	Admittance bulletin updated to inform onsite applicants of testing conditions and face mask requirement	Communications
09/08	Ensure exam facilities are set up consistent with physical distancing requirements	Exam
09/09	California Bar Examination begins	Exam
09/15	Facility reports due	Exam
09/21	Chapter 6 notices sent out	Security
09/25	Calibration begins	Grading
12/31	Results released	Grading