



THE COMMITTEE OF BAR EXAMINERS OF
THE STATE BAR OF CALIFORNIA
OFFICE OF ADMISSIONS

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Committee of Bar Examiners

December 1, 2006

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United States Commission on Civil Rights
624 Ninth Street, NW
Washington, DC 20425

Dear Commission Officers and Members:

Your letter dated November 29, 2006, which was sent to State Bar President Sheldon Sloan, has been referred to this office for response.

Dr. Richard Sander, Dr. Stephen Klein, GANSK & Associates, Professor William Henderson, Indiana University and Dr. E. Douglass Williams, Sewanee University have submitted a proposal seeking the use of data collected by the State Bar of California's Committee of Bar Examiners (Committee) as part of the bar examination application and examination process. This proposal was scheduled to be considered by the Committee during its meeting this Friday and Saturday. Dr. Sander, however, has requested that consideration of the proposal be deferred until the next meeting of the Committee, which will be on February 2 and 3, 2007, which request has been granted.

While certainly the sentiments presented by the Commission members are appreciated, there are concerns regarding the release of requested data, which was not collected from the applicants for the express use by others outside of the State Bar.

Additionally, Dr. Sander seeks the release and use of information that the Office of Admissions receives from a third party, the applicants' LSAT scores, which the Committee may not have the authority to provide to others.

APPENDIX F

Officers and Members, United States Commission on Civil Rights
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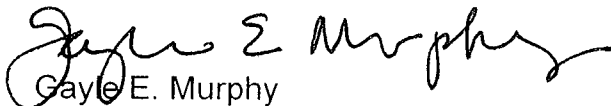
It should be noted that several ABA approved law school Deans have expressed concerns about the release of this data, which includes their students' performance on the bar examination, to Dr. Sander and his colleagues. In addition to other problems they have with releasing the data, they believe, if the Committee were to authorize the release of the data, that it should not be only available to him, but to anyone else who might want access to it for purposes of conducting his or her own study.

Release of the information may also require approval by the Board of Governors; we are researching the rules regarding this issue. These are just a couple of the issues that are involved with consideration of the request, and a more formal agenda item most likely will be available in mid-January.

If you would like a copy of the final agenda item, please let me know by email, gayle.murphy@calbar.ca.gov and a copy will be sent to you when it becomes available for distribution.

Thank you for taking the time to provide your comments.

Sincerely,



Gayle E. Murphy
Senior Executive, Admissions

cc: Sheldon Sloan, President, State Bar of California
Judy Johnson, Executive Director, State Bar of California
Whitnie Henderson, Chair, Committee of Bar Examiners
Alan Yochelson, Chair, Examinations Subcommittee