

The State Bar of California
FY 2009 Committee of Bar Examiners' Work Plan

Background

Committee Name: Committee of Bar Examiners of The State Bar of California
Chair: Alan Yochelson
State Bar Staff: Gayle Murphy, Senior Executive for Admissions; Dean Barbieri, Director for Examinations, Gina Crawford, Director for Administration, Debra Lawson, Director for Moral Character Determinations, George Riemer, Director for Educational Standards, and John Rodriguez, Director for Operations and Management plus the additional 54 Office of Admissions Staff. In addition, over 600 proctors are hired for the February California Bar Examination, over 800 for the July administration, and over 50 persons are hired as proctors for each administration of the First-Year Law Students' Examination. Approximately 200 lawyers from the San Francisco Bay Area are hired on a contract basis to grade examinations, which is in addition to the 8 members of the Examination Grading and Development Team who supervise the graders and edit essay questions for the Committee. There are also a number of other consultants who assist the Committee in the areas of educational standards, testing accommodations, developing and editing Performance Test questions, complex investigations, substance abuse and psychiatric evaluations, psychometric services and grading the examinations, who are retained on an annual basis.
Date: February 8, 2008
Background: The Committee operates through five subcommittees: Educational Standards, Examinations, Moral Character, Operations and Management and Testing Accommodations. The Committee generally meets eight times a year and during at least one of those meetings, a long-range planning session is held. Committee members contribute additional volunteer hours through participation in examination editing and scoring calibration meetings, conducting informal conferences with moral character determination applicants, visiting examination test centers during administration of the examination, representing the Committee at Admissions Ceremonies for new admittees and making law school visitations. The California Bar Examination encompasses both the General Bar Examination and the Attorneys' Examination. The General Bar Examination is a three-day test consisting of six one-hour essay questions, two three-hour performance tests and the Multistate Bar Examination, a 200 item multiple-choice test administered in two three-hour blocks. Attorneys who have been admitted in good standing for the past four or more years in other jurisdictions may qualify to take the Attorneys' Examination, which consists of the essay and performance test questions of the General Bar Examination.

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The First-Year Law Students' Examination is a one-day test consisting of four essay questions administered in a four-hour block and 100 multiple-choice questions administered in a three-hour block. The First-Year Law Students' Examination is required of all students enrolled in residence law schools neither accredited by the Committee nor approved by the American Bar Association, of students enrolled in correspondence law schools, of students studying in law office or judge's chambers and of students who do not have two years of college work prior to attending law school. This examination should be taken by those required to do so following the completion of one year of law study. Students required to pass the examination must pass it within three administrations of becoming eligible to take it in order to receive credit for law study accumulated up to the point of passage. Those who pass it thereafter will receive credit for only one year of law study.

Office of Admissions

The Office of Admissions provides staff support to the Committee of Bar Examiners in the fulfillment of its duties. The Office of Admissions is composed of 60 permanent employees located in two offices: San Francisco and Los Angeles. The Office is divided into a headquarters unit and five departments: Administration, Educational Standards, Examinations, Operations and Management and Moral Character Determinations. It has an annual budget of over twelve million dollars, all of which is funded from applicant fees set by the State Bar's Board of Governors, upon recommendation of the Committee. The Senior Executive, Admissions, has the primary responsibility for oversight of this office. In addition, the Senior Executive, Admissions, is a member of the senior management team for the State Bar and regularly reports to the Board of Governors and its committees on Committee and Admissions issues.

The Committee of Bar Examiners

The Committee of Bar Examiners is a standing committee of The State Bar of California and is composed of 19 members: 10 lawyers appointed by the Board of Governors of The State Bar, three public members appointed by the Governor of California, three public members appointed by the Speaker of the Assembly and three public members appointed by the Senate Rules Committee. All members are appointed for four-year terms, and all are eligible for appointment by the Board of Governors to one-year terms as Chair and Vice-Chair of the Committee. The Committee is responsible for:

1. Determining the moral character of approximately 8,000 applicants for admission to practice law in California per year;
2. Processing applications, making eligibility determinations, developing, administering and grading for the California Bar Examination for almost 15,000 applicants per year;

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3. Processing applications, making eligibility determinations, developing, administering and grading for the First-Year Law Students' Examination for approximately 1,700 applicants per year; and,
4. Oversight of the accreditation of 17 law schools in California that are accredited by the Committee but are not approved by the American Bar Association and oversight of an additional 15 unaccredited law schools and 15 correspondence law schools in California.

Activities

Activity	Status/Time frame
California Bar Examination – administered to approximately 15,000 persons annually	15 to 19 locations in Sacramento, San Francisco Bay Area, Los Angeles/Ontario/Pomona area and San Diego in late February and in late July
First-Year Law Students' Examination – administered to approximately 1,700 persons annually	Los Angeles and San Francisco in June and October
Moral Character Determination Informal conferences	Los Angeles and San Francisco as needed, approximately 10 each month total.
Bar Examination and First-Year Law Students' Examination Grader Calibration Meetings	Three for each administration of the bar examination and one for each administration of the First-Year Law Students' Examination. All are held in the San Francisco Bay Area.
Law School Visitations	As required. Law Schools seeking accreditation by the Committee of Bar Examiners are visited each year during their candidacy period. Newly accredited law schools are visited annually during their first two years of accreditation and every five years thereafter. Special visitations are conducted as necessary.

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Activity	Status/Time frame
Committee of Bar Examiners Meetings	Generally, six to eight meetings are held each year with meetings generally rotating between San Francisco and Los Angeles areas. Subcommittee meetings are usually held on Friday and the Committee meeting is held on Saturday morning.
Performance Test Drafting Sessions	Two, three-day meetings are held each year in San Francisco. Committee members assist in the drafting and editing of Performance Tests to be given on the California Bar Examination.
Law School Council and Law School Assembly Meetings	The Council generally meets once and the Assembly meets once each year. Locations alternate between San Francisco and Los Angeles areas.

Performance Indicators

List major activities/products with benchmark dates for this year.

1. The Committee of Bar Examiners will process applications, make eligibility determinations and administer the California Bar Examination in February to almost 5,000 general and attorney applicants and in July to approximately 10,000 applicants.	1. February and July
2. The Committee of Bar Examiners will grade the answers of the California Bar Examination examinees, calculate scores and release the results to those who took the examination, law schools and the public in May for the February examination and in November for the July examination.	2. May and November
3. The Committee of Bar Examiners will process applications, make eligibility determinations and administer the First-Year Law Students Examination in June to approximately 900 law students and in October to over 800 law students.	3. June and October

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4. The Committee of Bar Examiners will grade the answers of the First-Year Law Students' Examination examinees, calculate scores and release the results to those who took the examination in August for the June examination and in December for the October examination.	4. August and December
5. The Committee of Bar Examiners will process approximately 8,000 Applications for Determination of Moral Character, which will include informal conferences with approximately 100 of the applicants.	5. Monthly
6. The Committee of Bar Examiners will continue to compile and publish statistics for each of its examinations. Statistics are published about a month after results from each administration of the California Bar Examination and of the First-Year Law Students' Examination are mailed and are posted on the State Bar's website.	6. January (Oct. FYLSX) June (Feb. Bar Exam) September (June FYLSX) December (July Bar Exam)
7. Proposed changes to the Admissions database and electronic processing systems, which are expected to be developed by outside IT consultants in 2008, will be implemented in phases through 2008 and 2009	10. December 2009

How Do Activities Further Completion of the Committee's Charge?

Activity	Furthers Charge by:
First-Year Law Students' Examination	Ensures that law students attending unaccredited and correspondence law schools and those studying law in a lawyer's office or judge's chambers are qualified to continue the study of law and to monitor the performance of the schools and the tutoring lawyers whose students are required to take the examination.
Moral Character Determination Informal Conferences	Provides an opportunity for personal meetings with applicants to explore concerns about their moral character.
Bar Examination Grader Calibration Meetings	Establishes grading standards and ensures that graders are adhering to those standards and are complying with Committee grading policies.

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Activity	Further Charge by:
Law School Visitations	Ensures that accredited law schools and those seeking accreditation are providing sound legal education programs and are adhering to published standards for accreditation of law schools.
Committee of Bar Examiners Meetings	Provides the opportunity for the Committee to establish policies for carrying out the statutory responsibilities assigned to it, to monitor the performance and budget of Office of Admissions, to make determinations of moral character, act on requests for waivers of rules and policies, consider appeals related to testing accommodations petitions and to act on examination and accreditation issues.
Performance Test Drafting Sessions	Ensures questions used on the California Bar Examination are appropriately created and are testing for minimum competence.

State Bar Strategic Goals and Strategies Furthered by Activities

The Committee of Bar Examiners particularly furthers the following goals and strategies:
Goal 1: The public is protected and served by attorneys and other legal service providers that meet the highest standards and competency and ethics.

Recommended New Strategic Initiatives for Board Consideration

<p>Name of Initiative: None at this time</p> <p>Purpose (Need the Initiative Will Address):</p> <p>Responsible Entity (committee/staff, etc.):</p> <p>Connection to the Strategic Plan:</p> <p>Desired Outcome(s):</p> <p>Fiscal and Staff Implications:</p> <p>Proposed Performance Measures:</p>
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Are activities within legislative and judicial restrictions imposed on the State Bar
(Keller, Hudson, Brosterhous, etc.)?

Yes [X] No [] If no, please explain.

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PROPOSED BUDGET <i>(Combined Proposed Activity Budgets plus Staff Costs)</i>				
Items	2007 Budget	2007 Actual	2008 Budget	2008 Proposed
Estimated Staff Time Required FTE: 60	\$5,927,059	\$5,422,400	\$5,804,735	\$6,094,976
Temporary (proctors, etc.)	\$1,300,178	\$1,640,800	\$1,539,003	\$1,588,132
Consultants (Graders, Psychometricians, Disability evaluations)	\$1,953,709	\$2,014,300	\$1,948,799	\$1,996,453
Travel Staff	\$77,351	\$58,274	\$82,829	\$85,314
Travel Volunteer	\$66,800	\$56,300	\$65,000	\$66,950
Travel Others	\$39,304	\$32,100	\$49,364	\$42,605
Meeting Room Rental	\$19,921	\$32,264	\$18,444	\$17,967
Catering	\$56,718	\$52,200	\$60,118	\$51,622
Telephone	\$73,945	\$77,500	\$82,408	\$84,883
Copier Allocation	\$43,255	\$100,400	\$37,019	\$38,129
Occupancy (office and exam room rental)	\$1,468,170	\$1,669,000	\$1,607,656	\$1,655,886
Interfund Allocation	\$2,530,014	\$2,383,000	\$2,800,000	\$2,884,000
Other Expenses	\$4,097,946	\$3,169,462	\$3,103,231	\$3,048,179
A. Total	\$17,654,370	\$16,708,000	\$17,198,606	\$17,655,096