

**ASSESSMENT OF PERFORMANCE  
OF  
THE COMMITTEE OF BAR EXAMINERS OF  
THE STATE BAR OF CALIFORNIA  
FOR 2007**

**Performance Indicators and Actual Performance**

- 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.**

Six thousand, four hundred and twenty-seven (6,427) law students and attorneys admitted in other jurisdictions applied to take the February 2007 administration of the California Bar Examination and 5,547 were actually tested in 16 test centers located throughout California from Sacramento to San Diego. At five test centers, 296 applicants with disabilities took the examination with testing accommodations, which had been granted to them through the testing accommodations petition process. Over 3,100 applicants took the examination on their laptop computers, which had special security software installed prior to administration of the examination.

Nine thousand, three hundred and thirty-nine (9,339) law students and attorneys admitted in other jurisdictions applied to take the July 2007 administration of the California Bar Examination and 8,486 were actually tested in 17 test centers. Two hundred and seventy-nine (279) applicants with disabilities took that examination with testing accommodations at five test centers. An additional 34 applicants, after filing the appropriate petitions, took the examination at the testing accommodations test centers, as they were granted permission to start the examination one day later than the general population so that they could observe the Jewish holiday of Tisha B'Av. Over 6,100 applicants took the examination on their laptop computers, which had special security software installed prior to administration of the examination.

- 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.**

Of the 5,547 applicants who took the February 2007 administration of the examination, 2,081 (37.5%) passed. Three hundred and forty-six (346) fewer applicants took the examination in 2007 than in 2006. The passing percentage in 2006 was 40.0%. Results were mailed to the applicants on May 25, 2007 and they were able to determine whether their names appeared on the pass list beginning at 6:00 p.m. that evening. The pass list was made available to the public online beginning at 6:00 a.m., Sunday, May 27, 2007 Applicants who passed the examination, and who had satisfied all other requirements for admission took the attorney's oath of office during several admissions ceremonies conducted throughout the state in June 2007.

Of the 8,486 applicants who took the July 2007 administration of the examination, 4,696 (55.3%) passed. Seven hundred and forty-one (741) fewer applicants took the examination in 2007 than in 2006. The passing percentage in 2006 was 51.3%. Results were mailed to the applicants on November 16, 2007 and they were able to determine whether their names appeared on the pass list beginning at 6:00 p.m. that evening. The pass list was made available to the public online beginning at 6:00 a.m., Sunday, November 18, 2007. Applicants who passed the examination, and who had satisfied all other requirements for admission took the attorney's oath of office during several admissions ceremonies conducted throughout the state in December 2007.

- 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 approximately 800 law students.**

Nine hundred and thirty-nine applicants (939) filed applications to take the June 2007 administration of the First-Year Law Students' Examination and 793 were actually tested in six test centers. Of the applicants taking the examination, 18 applicants with disabilities took the examination at testing accommodations test centers. Eight hundred and forty-six (846) applicants applied to take the October 2007 administration of the First-Year Law Students' Examination and 705 applicants were actually tested, which were 125 fewer applicants than took the examination the year before, at six test centers. Of the applicants taking the examination, 17 applicants with disabilities took the examination in one of two testing accommodations test centers.

- 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 administration.**

Of the 793 applicants who took the June 2007 administration of the examination, 146 (18.4%) passed, compared to 21.5% who passed in 2006. One hundred and forty-four (144) fewer applicants took the examination in 2007 than in 2006. Results were mailed to the applicants on August 10, 2007. Of the 705 applicants who took the October 2007 administration of the examination, 135 (19%) passed, compared to 28.0% who passed in 2006. One hundred and twenty-five (125) fewer applicants took the examination in 2007 than in 2006. Results were mailed to the applicants on December 14, 2007.

- 5. The Committee of Bar Examiners will process approximately 8,000 Applications for Determination of Moral Character that will include informal conferences with approximately 100 of the applicants.**

During 2007, 8,451 moral character determination applications from applicants seeking admission to practice law in California were received. This number is slightly more than the number received in 2006, which was 8,094. One hundred and forty-seven (147) moral character determination applications were submitted by attorneys seeking to

register under the Multijurisdictional Practice rules. This compares to the 123 applications received in 2006.

The number of investigation reports, reviewed by the Committee of Bar Examiners increased to 283 in 2007, compared to 212 reviewed in 2006. During 2007, 112 informal conferences were held with moral character determination applicants, compared to 70 that were held in 2006. The number of applicants receiving adverse moral character determinations also increased, from 30 in 2006 to 44 in 2007.

6. **The Committee of Bar Examiners will continue to compile statistics for each of its examinations. Statistics are published after each administration of the California Bar Examination and of the First-Year Law Students' Examination and are posted on the State Bar's Web site.**

Applicant and law school performance statistics were timely prepared, distributed and posted on the State Bar's Web site after the results were released from the California Bar Examination and the First-Year Law Students' Examination.

7. **The Committee of Bar Examiners will continue to publish California Bar Examination questions and sample answers following the release of results of a particular administration of both examinations. The questions and sample answers are posted on the State Bar's Web site as study aids and those versions are available at no charge.**

California Bar Examination questions and selected answers were timely published, which included making them available on the State Bar of California's Web site free-of-charge, following the release of results of the February 2007 and July 2007 administrations of the California Bar Examination. Questions and selected answers were also published following the release of results from the June 2007 and October 2007 administrations of the First-Year Law Students' Examination.

8. **Successful implementation of the increase in the passing score required on the Multistate Professional Responsibility Examination (MPRE) from a scaled score of 79 to a scaled score of 86, beginning January 2008.**

Reminder memoranda were sent to all California law schools and posted on the State Bar of California's Web site that effective January 1, 2008, the required minimum passing score required for the Multistate Professional Responsibility Examination increases from a scale score of 79 to a scale score of 86. The Admissions electronic database was modified to adjust for the change in the minimum passing score requirement, so that upon receipt of the electronic scores from American College Testing, the scores will be entered automatically into the applicants' electronic records and whether the score satisfies the minimum examination score requirement will be noted.

9. **Successful implementation of new rules, and fees, governing the regulation and oversight of unaccredited, correspondence and distance learning law**

**schools, which will include proposing amendments to Rule 9.30 of the California Rules of Court to conform with the new rules, in response to legislation that was passed in 2006, which consolidates oversight of these schools with the Committee of Bar Examiners.**

Proposed new rules, guidelines and fees were drafted, circulated for public comment and adopted by the Committee of Bar Examiners and approved by the Board of Governors during 2007, with an effective date of January 1, 2008. Consideration of proposed amendments to the California Rules of Court was deferred pending further consultation with the Court with regard to the substance of the revised rules in light of the new *Unaccredited Law School Rules*.

**10. Proposed changes to the Admissions database and electronic processing systems, which are expected to be developed by outside IT consultants in 2007, will be implemented in phases through 2007 and 2008.**

System changes were made successfully to the Admissions electronic grading system to incorporate the changes to the grading process, i.e., resolution grading and release of all scores to failing applicants. In addition, an outside contractor developed the new electronic moral character determination application, which will be made available online when finalized. Testing of the new application is ongoing and implementation of the new electronic application is scheduled for the fall of 2008. Other possible enhancements to the Admissions electronic systems were investigated, i.e., tracking of testing accommodations petitions, with the intention of proceeding with actual development and implementation of customized systems in 2008 and 2009. Other possible upgrades to the system remain pending until a State Bar of California-wide new data processing system is approved.

## **ADDITIONAL 2007 ACCOMPLISHMENTS**

The Committee of Bar Examiners (Committee) met seven (7) times during the year. In addition, members attended informal moral character conferences with applicants, represented the Committee at admissions ceremonies, participated in law school visitations, attended grading calibration sessions and considered emergency petitions and appeals.

### **Law School Activities**

#### **Accredited Law Schools:**

#### **Law School Visitations:**

During 2007, the Committee considered Five-Year Visitation Reports for Lincoln Law School – Sacramento, John F. Kennedy University School of Law and Monterey College of Law. All schools were found to be in compliance with the *Rules Regulating the Accreditation of Law Schools in California* and their accreditation with the Committee was continued. After a period of probation, the Committee withdrew the Notice of Non-

Compliance that had been issued to the University of West Los Angeles School of Law, and the school's accreditation was continued.

### Registration of Law Schools:

The Committee approved the registration of five new unaccredited law schools: McMillan School of Law, Aristotle University College of Law – Carlsbad and Aristotle University College of Law – Temecula as fixed-facility law schools, and Aristotle University College of Law – Carlsbad and Aristotle University College of Law – Temecula as correspondence law schools. The Committee withdrew the registrations of National Law School and Desert College of Law.

### **Rules Changes**

In 2007, the Committee proposed and adopted, and the Board of Governors approved, amendments to the following *Rules Regulating Admission to Practice Law in California*:

Rule II, which sets out the requirements for foreign educated law students who are not admitted to practice law in any jurisdiction, which includes a new requirement that students who have graduated from a foreign law school that is comparable to a United States law school complete an additional year of law study with a certain number of credits in subjects designated by the Committee;

Rule V, which eliminates the late fee for late filed law student registrations.

### **Moral Character Processing**

With the implementation of new procedures and revived emphasis on concluding the processing as timely as possible given the constraints involved, the number of moral character determination applications that were pending more than one year was reduced from 131 to 45 in 2007. In addition, new pre-processing procedures were implemented to decrease the amount of time that many low-level files take to process from six months to three.

### **Request for Release of Bar Examination Applicant Data**

The Committee considered and denied a request, which the Board of Governors affirmed, from a law school professor for release of confidential bar examination applicant data that could be used in conducting an independent study unrelated to the Committee's mission.

### **New Subject Matter Outlines**

The Committee approved new subject matter outlines in connection with its intention to begin testing on the following subjects effective with the July 2007 administration of the California Bar Examination: 1) the topics tested in Business Associations, which will include those topics currently tested in Corporations, partnerships of all forms, limited

liability entities, related agency principles and uniform acts; 2) the subject titled "Civil Procedure" will include the California Code of Civil Procedure; and, 3) the subject titled "Evidence" will include the California Code of Evidence.