

AGENDA ITEM

NOV 112-G

Proposed Revisions to
Committee of Bar
Examiners' Refund Policy

DATE: October 26, 2010

TO: Members, Board of Governors
Members, Board Committee on Operations

FROM: Gayle Murphy, Senior Executive, Admissions

SUBJECT: Proposed Revisions to Committee of Bar Examiners' Refund Policy

EXECUTIVE SUMMARY

In accordance with Section 6060.3 (c) of the California Business and Professions Code, the Board adopts the policies for refunds related to the bar examination. Several years ago, the Committee of Bar Examiners' (Committee) Refund Policy, which in addition to the bar examination discusses refunds for other fees paid by applicants, was adopted by the Board of Governors. The language in the Business and Professions Code is very specific as to the circumstances under which applicants are entitled to refunds of the fees they paid to take the bar examination; the language contained in the statute is repeated in the Committee's current Refund Policy. The Committee believes, however, that there are situations beyond those that are stated in the statute where refunds may be in order. In particular, when applicants serving in the military receive changes in their orders that no longer would permit them to take examinations for which they applied. In addition, the Committee proposes to expand the serious illness or injury language to include "or debilitating condition," so applicants who acquire conditions that might limit their ability to take an examination, such as a pregnancy with complications, which occurred after submitting their applications but before taking an examination, also may request refunds. The Committee adopted the amended policy, subject to approval of the Board.

BACKGROUND

Business and Professions Code Section 6060.3 states:

(c) 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 or her immediate family. A deduction may be made from the refund for

administrative costs. The board shall adopt regulations for the administration of this subdivision. This subdivision shall not be construed to prohibit the refund of fees in instances other than those specified.

Shortly after this was signed into law, the Committee of Bar Examiners' (Committee) adopted a refund policy pursuant to the provisions of this statute, which was approved by the Board of Governors. The Refund Policy, which in addition to refunds related to the bar examination as they were set out by statute, discusses refunds for other fees paid by applicants. Since the last time the Policy was amended, new scenarios have arisen beyond those stated in the statute where the Committee believes refunds may be in order. In particular, when applicants serving in the military receive changes in their orders that no longer permit them to take examinations for which they applied, they should be entitled to refunds. In addition, the Committee believes the Policy should be amended to expand the serious illness or injury language to include "or debilitating condition." This would permit applicants who acquire conditions that might limit their ability to take an examination, such as a pregnancy with complications, but is generally not thought of as a "serious illness or disabling injury," to also file requests for refunds. During its September 2010 meeting, the Committee adopted the amended policy as attached (see page 3), subject to approval of the Board.

FISCAL/PERSONNEL IMPACT

Minimal. Additional fees will be refunded, but the impact should be limited.

BOARD BOOK IMPACT

None.

RULE AMENDMENTS

None.

SCHEDULE OF CHARGES AND DEADLINES

N/A

EFFECTIVE DATE OF PROPOSAL

The amended Refund Policy would become effective immediately following approval by the Board.

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Members, Board Committee on Operations
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PROPOSED BOARD COMMITTEE RESOLUTION

If the Board Committee agrees that the amended Refund Policy should be adopted, the following resolution would be appropriate:

RESOLVED, upon recommendation from the Committee of Bar Examiners, that the Board Committee on Operations recommends that the Board of Governors adopt the amended Committee of Bar Examiners' Refund Policy, in the form attached hereto, effective immediately following action by the Board.

PROPOSED BOARD RESOLUTION

RESOLVED, upon recommendation from the Board Committee on Operations, that the Board of Governors hereby adopts the amended Committee of Bar Examiners' Refund Policy, in the form attached hereto, effective immediately following this action of the Board.