



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

---

**180 Howard Street • San Francisco, CA 94105-1639 • (415) 538-2300  
1149 South Hill Street • Los Angeles, CA 90015-2299 • (213) 765-1500**

**Notice of Public Forum**

**Friday, May 3, 2013  
10:30 a.m. – 12:30 p.m.**

**The State Bar of California  
180 Howard Street  
San Francisco, California**

The Committee of Bar Examiners (Committee) invites input from interested parties on the following two issues currently under consideration by the Committee:

**1. Changing the Examination from Three Days to Two Days**

While there have been more recent changes to the scope of the California Bar Examination and the grading process, there have been no substantive changes to the format of the examination for more than 25 years.

The primary reasons for having a bar examination are for public protection, to assess the knowledge and abilities of those seeking admission to the practice of law and have an objective measure as to whether those seeking admission have acquired through their legal studies the minimum competence expected of those entering the profession. As part of its ongoing responsibilities, the Committee, on a continual basis, reviews the scope, format and grading of the bar examination to ensure that it remains valid, reliable and fair. As part of that review, the Committee also considers whether the examination is being administered in the most effective and efficient way possible.

Over the last couple of years there have been several meetings held, which included Committee members, psychometricians, staff and others who may have been in attendance, to discuss these issues, and in particular, the concept of shortening the examination from three days to two days. As a result of these meetings, the Committee decided that the proposal for changing the current examination structure, so that the General Bar Examination would be administered over two days instead of three days, should be seriously considered. The Attorneys' Examination, which consists of the written portions of the General Bar Examination, is already administered over two days.

According to the psychometricians who have met with the Committee, a two-day examination (one day devoted to a written test and one day to the Multistate Bar Examination (MBE)) with equal weight assigned to the MBE and written portions would be comparable to the current three-day examination and would not negatively impact the reliability of the examination or decision making consistency.

After consideration of the various pros and cons of shortening the duration of the examination, the Committee took the following action:

It was moved, seconded and duly carried that in furtherance of the Committee's efforts to ensure that the California Bar Examination more efficiently tests applicants for admission to practice law in California to determine minimum competence in the law, that outreach on the proposal to reduce the General Bar Examination to two days from three days proceed with the concept of the two-day examination constructed as follows: 1) Tuesday morning session consisting of three hours during which three, one-hour essay questions would be administered, 2) Tuesday afternoon session consisting of three and one-half hours during which two, one-hour essay questions and one, 90-minute Performance Test would be administered and 3) Wednesday – morning and afternoon sessions consisting of three hours each, during which 100 multiple-choice items for each session would be administered (MBE); that during the grading process, the written and MBE portions of the examination be weighted equally.

The Committee has initiated conversations about this proposal with several constituencies, including the Board of Trustees' Committee on Regulation, Admissions and Discipline Oversight. As the next step, the Committee believes it is important to invite those in the legal education community and others who may be interested to comment on the proposal before further action is taken.

**2. The Future of Unaccredited Law Schools in California, Requiring Unaccredited Law Schools to Become Accredited and Expanding the Accreditation Rules to Include Distance Learning Law Schools**

The Committee has spent many hours during a number of its meetings discussing issues related to California's registered, unaccredited law schools, the future of such law schools, the Committee's regulatory oversight of unaccredited law schools and their various programs of legal education and whether its authority to accredit law schools should be expanded to include distance-learning law schools. During a recent meeting, the Committee came to a consensus that the various rules and statutes relating to these issues should be amended as follows:

- Propose amendments to Sections 6046.7 and 6060.7 of the California Business and Professions Code that will clarify that the Committee's oversight and regulatory authority extend only to law schools and their law-related programs that offer a J.D. degree that would qualify their graduates to take the California Bar Examination; all other law-related programs (offered by law schools or "nonlaw" schools), including advanced law degrees and any other degree in law that is not based on a J.D. curriculum, would be under the oversight of the state's degree granting entity. Propose further statutory amendments that will require all registered, unaccredited law schools to meet the standards for accreditation by the Committee within ten years, which would result in a period of registration with the Committee as an unaccredited law school for no more than ten years.

- Propose amendments to Rule 9.30 of the California Rules of Court that will align the rule with the statutory requirements for admission and the various vehicles of legal education that will qualify an applicant for admission to practice law in California, including new restrictions with regard to how long an unaccredited law school may continue to operate as an unaccredited law school.
- Propose amendments to the *Unaccredited Law School Rules* and *Guidelines for Unaccredited Law School Rules* that bring them into conformance with the new statutory and court rule proposals, in addition to other changes that may be necessary to ensure that they are not in conflict with the *Admissions Rules* and to enhance the requirements for registration, such as requiring a minimum enrollment of students, providing additional, mandatory disclosures of consumer information including, but not limited to, the public disclosure of any Notice of Noncompliance the Committee has issued the law school over the past five years, the basis for each such Notice and its resolution, etc., in order to ensure public protection and that a sound legal education is being provided by such schools.
- Propose amendments to the *Accredited Law School Rules* and *Guidelines for Accredited Law School Rules* that will permit the accreditation of distance-learning law schools.

To facilitate discussion of these matters, preliminary drafts of proposed amendments to the various statutes and rules have been prepared by staff for the purpose of eliciting comments and assisting the Committee in determining the appropriate direction that it should take. The preliminary drafts are attached. **(Attachments are available upon request.)**

Those persons who wish to speak during the Public Forum on either or both of these issues should contact Lauren Fletcher ([lauren.fletcher@calbar.ca.gov](mailto:lauren.fletcher@calbar.ca.gov)) no later than April 26, 2013. The amount of time allotted for each speaker's comments will be affected by the number of persons who wish to comment, as the amount of time designated for the public forum is limited. Written comments are welcome and should be sent to the Committee of Bar Examiners in care of Gayle Murphy, Senior Director, Admissions, The State Bar of California, 180 Howard Street, San Francisco, California 94105, and received no later than April 26, 2013.