

# **COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM**

**AGENDA ITEM NUMBER: June 2015 – O-101**

**DATE:** June 5, 2015  
**TO:** Committee of Bar Examiners  
**FROM:** Gayle Murphy, Senior Director, Admissions  
**SUBJECT:** **Two-Day Examination**

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## **BACKGROUND**

After several years of consideration, the Committee of Bar Examiners (Committee) took the following action approving the proposal to reduce the General Bar Examination from three days to two days:

It was moved, seconded and duly carried that the prior decision of the Committee, effective at a yet to be determined date, to have the General Bar Examination constructed as follows: 1) One morning session consisting of three hours during which three, one-hour essay questions would be administered, 2) One 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, 3) Morning and afternoon sessions consisting of three hours each, during which 100 multiple-choice items for each session would be administered (the MBE) and that during the grading process of the reconstructed examination the written and MBE portions of the examination be weighted equally, be affirmed; that an implementation plan, which should include the date of the first examination during which the reconstructed examination will be administered, be prepared by staff and submitted for review by the Committee in preparation for submission of the proposal to the Board of Trustees and consideration by the California Supreme Court.

## **DISCUSSION**

The following is updated information regarding the estimated savings that could be achieved if the two-day examination is ultimately administered:

Examination Development:

Travel	\$ 4,319.00
Catering	\$ 614.00
Question Development	\$ 3,300.00
Question Purchase	\$ 2,380.00
Pre-Testing	\$ 3,180.00
Consultants	\$ 50,325.00
Printing	<u>\$104,079.00</u>
Total Estimated Savings	\$168,197.00

Examination Administration:

Facilities	\$128,144.00
Tables and Chairs	\$ 33,650.00
Parking	\$ 12,763.00
Water	\$ 4,122.00
Phones	\$ 8,566.00
AV	\$ 18,268.00
Guards	\$ 45,184.00
Staff Overtime	\$ 10,800.00
Staff Travel	\$ 17,700.00
Proctors	<u>\$448,289.00</u>
Total Estimated Savings	\$727,486.00

Examination Grading:

Grader Prep Fees	\$ 41,870.00
Grader Book Fees	\$104,198.00
Grader Travel	\$ 6,300.00
Temporary Outside Help	\$ 50,641.00
Calibration Meeting Room	\$ 4,275.00
Calibration Catering	\$ 6,719.00
Delivery	\$ 4,039.00
Supplies	\$ 3,682.00
Copier	<u>\$ 4,354.00</u>
Total Estimated Savings	\$226,078.00

Total Estimated Savings: \$1,121,761.00

As discussed previously, there will be some costs associated with changing the format of the examination, including such things as software programming and the editing that would be required to convert the currently banked 3-hour Performance Tests into 90-minute Performance Tests. This could be accomplished using qualified contractors (members from the current Performance Test Drafting Team and Examination Development and Grading Team) and would, most likely, result in costs in the neighborhood of \$50,000 - \$75,000. The anticipated software changes are expected to cost between \$100,000 and \$150,000.

While it is believed that most future bar examination applicants would enthusiastically support having to take a two-day examination in lieu of a three-day examination, it will take some time to make the necessary adjustments. There is also the two-year notice requirement contained in Section 6046.6(a) of the Business and Professions Code, which states: "The examining committee shall not alter the bar examination in a manner that requires the substantial modification of the training or preparation required for passage of the examination, except after giving two years' notice of that change...." While it is debatable whether the intended changes would **substantially** affect an applicant's training or preparation, in an abundance of goodwill, it is suggested that two years' notice of the intended changes be given. Thus, if the Board of Trustees approves the Committee's intended changes during its July 2015 meeting, notice could be circulated shortly thereafter that the Committee intends to change the format of the examination effective with the July 2017 administration of the examination. If something should happen after the notice is given, such that proceeding with implementation of the changes is no longer viable or the best course of action, the Committee could always withdraw the notice.

With regard to the Attorneys' Examination, which has not been discussed in any great detail, it is recommended that, in synchronicity with the changes to the General Bar Examination, that examination be reduced to one day, comprised of the essay and Performance Test questions administered on the General Bar Examination.

#### **RECOMMENDATION:**

It is recommended that the modified California Bar Examination be administered beginning with the July 2017 California Bar Examination; that the Attorneys' Examination consist of the one day of essay and Performance Test questions administered during the General Bar Examination; and that the above be included with the previously approved modifications when the Committee proceeds with its plan to seek approval by the Board of Trustees and subsequent consideration of the changes by the California Supreme Court.

#### **PROPOSED MOTION:**

Should the Committee agree with this recommendation, the following motion is suggested:

Move, that the previously approved modifications to the General Bar Examination be implemented beginning with administration of the July 2017 California Bar Examination; that the Attorneys' Examination also be modified to consist of the one-day of essay and Performance Test questions administered during the General Bar Examination, effective with the July 2017 administration; that if during its July 2015 meeting the Board of Trustees approves the proposal to modify the General Bar Examination to consist of: 1) One morning session during which three, one-hour essay questions would be administered, 2) One afternoon session during which

two, one-hour essay questions and one, 90-minute Performance Test would be administered, 3) Morning and afternoon sessions consisting of three hours each, during which 100 multiple-choice items for each session would be administered (the MBE) and that during the grading process of the reconstructed examination the written and MBE portions of the examination be weighted equally, notice of the intended changes immediately be circulated; and that final implementation continue to be subject to consideration by the California Supreme Court.