



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM 4.6 JANUARY 2025 COMMITTEE OF BAR EXAMINERS**

**DATE:** January 31, 2025

**TO:** Members, Committee of Bar Examiners

**FROM:** Amy Nuñez, Program Director, Office of Admissions  
Becky L. Romero, Program Manager II, Office of Admissions

**SUBJECT:** Action on the Committee of Bar Examiners' Refund of Fees Policy

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### **EXECUTIVE SUMMARY**

The devastating wildfires in Los Angeles this month have significantly impacted a number of applicants. To date, at least 20 have requested to withdraw from the February Bar Exam, seeking to take the exam in July instead. Under the current Refund of Fees Policy (Policy), these applicants are not eligible to receive a full refund because the fires took place more than 30 days before the exam. Accordingly, staff recommend amending the Policy so that applicants that have been significantly impacted by the fires, and future applicants that are impacted by disasters that occur close in time to the administration of an examination may receive a full refund of the exam fees paid.

Specifically, the proposed amendments to the Policy would allow complete refunds of exam fees for victims of disasters that occur between the final deadline to register for the exam (January 1 for the February bar exam and June 1 for the July bar exam; May 15 for the June FYLSX and September 15 for the October FYLSX ) and the administration of the exam if they meet certain criteria to demonstrate that they were directly impacted by the disaster.

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### **RECOMMENDED ACTION**

Staff recommend that the Committee of Bar Examiners approve the proposed amendments to the Refund of Fees Policy as reflected in Attachments A–B and direct staff to seek approval from the Board of Trustees.

## DISCUSSION

Pursuant to Business and Professions Code section 6060.3, subdivision (c) sets forth specific circumstances under which the State Bar must refund application fees for the California bar exam, including late fees. That section also permits the board to adopt regulations related to the refund of application fees and permits refunds for reasons other than those specified in the statute. State Bar Rules 4.60 and 4.61 set forth the timing of the exams and track the language of the statute regarding filing deadlines.

The committee most recently amended the Policy in August 2023 ([Item III.B.](#)) to, among other things, exclude credit card processing fees from refunds; impose a 90-day deadline following the exam to submit a refund request due to the death of an immediate family member, medical emergency, or calamitous occurrence; and reduce the refund amount for death or medical emergency that occurred after submittal of an exam application but prior to the examination from 95% to 50%.

The Policy currently states that 50% refunds, minus credit card processing fees, will be honored due to, among other incidents, “Calamitous occurrences involving the applicant such as loss of freedom due to terrorist acts or disorientation due to fire, flood, or other severe disaster over which the applicant had no control and the existence of which had not terminated 30 days or less before the administration of the subject exam.”

The numerous refund requests staff have received from individuals directly impacted by the recent wildfires in Los Angeles have highlighted the need to provide a more flexible policy for disaster victims who are unable to study for or take the exam as originally planned due to the emergency.

Staff propose amending the Policy to permit applicants to receive a full refund of exam fees, excluding credit card processing fees, if they are victims of a disaster, as defined in (III)(B) of the Policy, that occurs between the final date to register for the exam and the administration of the exam, and meet any of the following criteria:

- The applicant was evacuated or displaced and has not been able to reside in their primary residence for a total of two weeks or more due to the disaster.
- The applicant’s primary residence was destroyed, uninhabitable, or significantly damaged by the disaster.
- The applicant is providing temporary housing in their primary residence for an immediate family member, as defined in (III)(A)(1) of the Policy, whose home was destroyed, uninhabitable, or significantly damaged by the disaster.
- Death, serious illness, or disabling injury of the applicant or an immediate family member due to the disaster.

The amended Policy also includes clarifications, minor grammatical changes, and transitions to gender-neutral pronouns.

The proposed amended Policy maintains that the Office of Admissions must receive an applicant's refund request no later than 90 days after the first day of the applicable exam with official documentation to substantiate the claim, as described in the Policy.

By addressing the unique challenges posed by these circumstances, the Office of Admissions reaffirms its commitment to supporting applicants and ensuring that its policies reflect compassion and equity during times of crisis.

## PREVIOUS ACTION

August 18, 2023, CBE meeting [Item III.B.](#)

## FISCAL/PERSONNEL IMPACT

The current fees for the February bar exam are:

	CBX Fee	First Late Fee	Second Late Fee	Laptop Fee	Laptop Late or Test Center Change Fee
General Applicant	\$850	\$50	\$250	\$153	\$60
Attorney Applicant	\$1,500	\$50	\$250	\$153	\$60

A refund for a general applicant could range from \$850 to \$1,313.

A refund for an attorney applicant could range from \$1,500 to \$1,963.

Since the revised Policy will allow applicants to request a refund up to 90 days after the exam, the State Bar will have already paid for fees to take the mock exam and ensure adequate testing space, either remotely or in-person.

If the revised Policy is adopted, staff anticipate that refunds would range anywhere from \$17,000 to \$38,000 for February 2025 bar exam fees. However, the amount may increase if more requests are received. Based on the 2025 budget projections, this amount may be absorbed because revenue for the February 2025 bar exam is anticipated to exceed projections by approximately \$1 million; however, expenditures for the exam have not yet been finalized.

## AMENDMENTS TO RULES

None

## **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

None – core business operations

## **RESOLUTIONS**

It is recommended that the Committee of Bar Examiners approve the proposed amendments to the Refund of Fees Policy reflected in Attachments A–B and request that the Board of Trustees approve and adopt the amended Policy set forth in Attachments A–B.

Should the Committee of Bar Examiners agree with the staff recommendation, the following motion should be made:

**RESOLVED**, that the Committee of Bar Examiners approve the amended Refund of Fees Policy as set forth in Attachments A–B, request approval by the Board of Trustees, so that the amended Policy will be effective immediately following approval by the Board.

## **ATTACHMENT(S) LIST**

- A. Proposed Amendments to Refund of Fees Policy (Redline)
- B. Proposed Amendments to Refund of Fees Policy (Clean)