

4.6 Action on the Committee of Bar Examiners' Refund of Fees Policy



The State Bar *of California*

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

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.

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)



COMMITTEE OF BAR EXAMINERS' REFUND OF FEES POLICY

INTRODUCTION

An applicant who withdraws one of the following applications may be eligible for a refund of fees
~~Refunds be provided for the withdrawal of any of the following applications only~~ as set forth in this policy: Application for Registration ~~form~~, an Application for to Take the California Bar Examination, an Application for to Take the First-Year Law Students' Examination, an Application for Determination of Moral Character, or an Application for Extension of Determination of Moral Character.

The Office of Admissions does not transfer ~~of~~ fees from one examination to another ~~is prohibited~~. No portion of credit card processing fees will shall be refunded.

I. WITHDRAWALS

A. Application to Take the California Bar Examination ~~/ or~~ First-Year Law Students' Examination

1. Requests for withdrawal of applications received within **30 days** after the applicable deadline for timely filing, for both first-time and immediate repeater applicants, will be honored with a 60 percent refund of application and late fees paid in conjunction with the subject exam.
2. Requests by ~~first-time~~ applicants, other than immediate repeaters, for withdrawal of applications received within **45 days** after the deadline for timely filing, will be honored with a 30 percent refund of application and late fees paid in conjunction with the subject exam. ~~This deadline also applies to applicants who have previously taken an exam other than the most recent exam.~~
3. Requests for withdrawal of applications received within **35 days** after the deadline for timely filing, for from immediate repeater applicants ~~seeking to repeat the exam having been unsuccessful on the exam immediately preceding the exam for which this application was submitted~~, will be honored with a 30 percent refund of application and late fees paid in conjunction with the subject exam.
4. Stopping payment on a check, dishonoring a check, or disputing a credit card charge does not constitute withdrawing from an exam.
5. Only timely submitted withdrawals will shall be considered for refunds.
6. Withdrawal requests must be submitted through the Applicant Portal.

B. Application for Determination of Moral Character or Application for Extension of Determination of Moral Character

Withdrawal of Applications for Determination of Moral Character or Applications for Extension of Determination of Moral Character and requests for refunds received within 30 days of the online submittal date, ~~for online applications,~~ or the received date, ~~for paper form~~ applications, will be honored with a 60 percent refund of application fees paid in conjunction with the moral character application ~~Application for Determination of Moral Character~~. Any requests received after 30 days will not be entitled to a refund.

II. INELIGIBILITY

A. Registration/~~Examination Ineligibility~~

~~The Registration form may be filed simultaneously with an application; however, the application and fees will be refunded if the registration is not approved within ten days of receipt of the application. A registration will be deemed approved when the requisite fees, signature, properly executed declaration, and all required documentation verifying eligibility have been provided.~~

Applicants for registration found to be ineligible due to a lack of pre-legal education will receive ~~qualify for~~ a 100 percent refund of all fees paid in conjunction with registration, excluding credit card processing fees. ~~Registration is deemed abandoned if all required documentation and fees have not been received within sixty days of submittal. No refund is issued for an abandoned registration.~~

Once an Application for Registration is approved, the application cannot be withdrawn, and no refund will be issued.

B. Attorney's' Exam

- Attorney applicants who apply to take the Attorneys' Exam and are found to be ineligible due to a lack of the requisite qualifications will receive a 60 percent refund of application and late fees paid in conjunction with the examination if all required Certificates of Good Standing are received by the ~~State Bar~~ Office of Admissions no later than the published deadlines for establishing eligibility.

C. General Bar Exam

- Applicants who apply to take the General Bar Examination and are found to be ineligible due to a lack of the requisite legal education, will qualify for a 60 percent refund of application and late qualifying fees paid in conjunction with the exam.

D. First-Year Law Students' Examination

- Applicants who applied to take the First-Year Law Students' Examination and are found to be ineligible due to a lack of the requisite legal education will qualify for a 60 percent refund of application and late qualifying fees paid in conjunction with the examination.

III. DEATH, SERIOUS ILLNESS, OR DISABLING INJURY

- A.** Refunds in the amount of 50 percent of all fees paid, excluding credit card processing fees, in conjunction with the subject exam ~~will shall~~ be honored due to the death or physical incapacity of an applicant or their immediate family under the circumstances described below:

- 1.** Death, serious illness, or disabling injury of a member of the applicant's immediate family that occurred after submission of an application for the exam but before the exam is administered and which death, illness, or injury is certified on the Request for Refund of Fees form. Immediate family members ~~s~~ includes only those family members for whom an employee may take family care and medical leave under the California Family Rights Act (Gov. Code § 12945.2); ~~or~~
- 2.** Applicant's ~~death,~~ serious illness, or disabling injury that occurred after submission of an application for the exam but before the exam is administered and which illness or injury or condition is certified on the Request for Refund of Fees form under penalty of perjury; ~~and,~~

~~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.~~

- B.** Refunds in the amount of 100 percent of all fees paid, excluding credit card processing fees, in conjunction with the subject bar exam will be honored due to significant events beyond the applicant's control, such as displacement caused by fire, flood, earthquake or other severe disasters resulting in a declared state of emergency by local, state, or federal government authorities, or loss of freedom due to terrorist attacks. These events must have begun on or after the final filing deadline, pursuant to Business and Professions Code section 6060.3 (January 1 for the February exam and June 1 for the July exam) for the bar exam or rule 4.58 of the Rule of the State Bar (May 15 for the June exam and September 15 for the October exam) for the First-Year Law Students' Exam, and through the administration of the exam. At least one of the following criteria must be met to be eligible for the refund:

- 1.** 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.

2. The applicant's primary residence was destroyed, uninhabitable, or significantly damaged by the disaster.
 3. The applicant is providing temporary housing in their primary residence for an immediate family member, as defined in paragraph (III)(A)(1) of this policy, whose home was destroyed, uninhabitable, or significantly damaged by the disaster.
 4. Death, serious illness, or disabling injury of the applicant or an immediate family member, as defined in paragraph (III)(A)(1) of this policy, caused by the disaster.
- C. Official documentation must accompany any request for a refund pursuant to (III)(A)–(B) of this policy ~~due to death, serious illness, or disabling injury~~. Official documentation consists of the following:
1. Serious illness of the applicant or ~~their~~ his/her immediate family member: ~~–The request for a refund must be accompanied by a letter from the treating physician on their his/her official letterhead, The letter must which includes the ir doctor's license number, that and verify~~ ies the information provided on the request form, including the applicant's or family member's diagnosis, first onset, duration of illness and/or hospital stay, and date of the last visit/evaluation.
 2. Death of the applicant or a member of the applicant's immediate family: ~~–The request for a refund must be accompanied by a copy of the death certificate.~~
 3. Disabling injury of the applicant or a member of the applicant's immediate family: ~~–The request for a refund must be accompanied by a letter from the treating physician on their his/her official letterhead, The letter must which includes the ir doctor's license number, that and verify~~ ies the information provided on the request form, including the applicant's or family member's diagnosis, first onset, duration of illness and/or hospital stay, and date of the last visit/evaluation.
 4. Catastrophic event, Calamitous occurrence, state of emergency, or other severe disaster: – ~~The~~ request must be verified by appropriate, relevant documentation, such as e.g., insurance claims, ~~a~~ Letter from the Federal Emergency Management Agency (FEMA), etc.

Requests must be received no later than 90 days after the first day of the examination for which a refund is being requested.

IV. SERVICE IN THE ARMED FORCES

Refunds in the amount of 95 percent of all fees paid in conjunction with the subject exam will be made where either of the following prevents an applicant from preparing for or taking the First-Year Law Students' Exam or the California Bar Exam.

- A. An unanticipated call to active duty in the armed forces; or
- B. An unanticipated change in military orders.

~~Requests must include supporting documentation, such as military orders. Refunds will be made only upon presentation of appropriate documentation, which must accompany any request for a refund.~~

V. APPLICATION ABANDONMENT

Pursuant to rule 4.16(B) of the Rules of the State Bar, Applications for Registration will be deemed abandoned if all required documentation and fees have not been received within sixty days of submittal, and no refund will be issued for an abandoned Application for Registration.

First-Year Law Students' Examination and California Bar Examination applications not brought to a complete and filed status by the final filing deadline will be abandoned. This includes but is not limited to: (1) applications not signed, (2) application declarations not received, (3) incomplete applications, and (4) approved registrations not on file. First-Year Law Students' Examination and California Bar Examination applications without eligibility determinations by the final eligibility deadline will be deemed abandoned. (State Bar Rules 4.58(C)–(D), 4.61(C).)

Applications with rejected ~~/ or~~ insufficient payments must be resolved within 14 days from notification of insufficient payment. If acceptable payment is not received, the application will be abandoned. If an application is abandoned, applicants may still apply for the exam if the deadline has not passed and the application is submitted with a valid payment.

~~First-Year Law Students' Examination and California Bar Examination applications without eligibility determinations by the final eligibility deadline will be abandoned.~~

Moral character ~~determination~~ applications ~~that are not brought to a complete status will be~~ deemed incomplete ~~and~~ will be provided with an incomplete notice describing the deficiencies. The applicant will have 60 days from the date of notice to cure the deficiencies. If the applicant fails to cure the deficiencies, the application will be deemed abandoned, pursuant to rule 4.43(A)(1) of the Rules of the State Bar.

No refund of fees will be paid in the event a n ~~registration or~~ application is abandoned. If the ~~registration or~~ application has an outstanding balance at the time of the abandonment, the outstanding balance must be paid before any future ~~registration or~~ application is processed.

VI. NET REFUND AMOUNT

If an applicant qualifies for a refund in accordance with this policy ~~Refund of Fees Policy for a registration or application~~ but they ~~have~~ has an outstanding balance due, that outstanding balance will shall be subtracted from the amount of the refund provided to the applicant otherwise due.

Adopted by the Committee of Bar Examiners on ~~August 18, 2023~~ January 31, 2025.



COMMITTEE OF BAR EXAMINERS' REFUND OF FEES POLICY

INTRODUCTION

An applicant who withdraws one of the following applications may be eligible for a refund of fees as set forth in this policy: Application for Registration, an Application for the California Bar Examination, an Application for the First-Year Law Students' Examination, an Application for Determination of Moral Character, or an Application for Extension of Determination of Moral Character.

The Office of Admissions does not transfer fees from one examination to another. No portion of credit card processing fees will be refunded.

I. WITHDRAWALS

A. Application to Take the California Bar Examination or First-Year Law Students' Examination

1. Requests for withdrawal of applications received within **30 days** after the applicable deadline for timely filing, for both first-time and immediate repeater applicants, will be honored with a 60 percent refund of application and late fees paid in conjunction with the subject exam.
2. Requests by applicants, other than immediate repeaters, for withdrawal of applications received within **45 days** after the deadline for timely filing will be honored with a 30 percent refund of application and late fees paid in conjunction with the subject exam.
3. Requests for withdrawal of applications received within **35 days** after the deadline for timely filing, for immediate repeater applicants, will be honored with a 30 percent refund of application and late fees paid in conjunction with the subject exam.
4. Stopping payment on a check, dishonoring a check, or disputing a credit card charge does not constitute withdrawing from an exam.
5. Only timely submitted withdrawals will be considered for refunds.
6. Withdrawal requests must be submitted through the Applicant Portal.

B. Application for Determination of Moral Character or Application for Extension of Determination of Moral Character

Withdrawal of Applications for Determination of Moral Character or Applications for Extension

of Determination of Moral Character and requests for refunds received within 30 days of the online submittal date or the received date for paper applications will be honored with a 60 percent refund of application fees paid in conjunction with the moral character application. Any requests received after 30 days will not be entitled to a refund.

II. INELIGIBILITY

A. Registration

Applicants for registration found to be ineligible due to a lack of pre-legal education will receive a 100 percent refund of all fees paid in conjunction with registration, excluding credit card processing fees.

Once an Application for Registration is approved, the application cannot be withdrawn, and no refund will be issued.

B. Attorneys' Exam

Attorney applicants who apply to take the Attorneys' Exam and are found to be ineligible due to a lack of the requisite qualifications will receive a 60 percent refund of application and late fees paid in conjunction with the examination if all required Certificates of Good Standing are received by the Office of Admissions no later than the published deadlines for establishing eligibility.

C. General Bar Exam

Applicants who apply to take the General Bar Examination and are found to be ineligible due to a lack of the requisite legal education will qualify for a 60 percent refund of application and late fees paid in conjunction with the exam.

D. First-Year Law Students' Examination

Applicants who apply to take the First-Year Law Students' Examination and are found to be ineligible due to a lack of the requisite legal education will qualify for a 60 percent refund of application and late fees paid in conjunction with the examination.

III. DEATH, SERIOUS ILLNESS, DISABLING INJURY, CATASTROPHIC EVENTS, OR STATE OF EMERGENCY

A. Refunds in the amount of 50 percent of all fees paid, excluding credit card processing fees, in conjunction with the subject exam will be honored due to the death or physical incapacity of an applicant or their immediate family under the circumstances described below:

1. Death, serious illness, or disabling injury of a member of the applicant's immediate family that occurred after submission of an application for the exam but before the exam is

administered and which death, illness, or injury is certified on the Request for Refund of Fees form. Immediate family members include only those family members for whom an employee may take family care and medical leave under the California Family Rights Act (Gov. Code § 12945.2); or

2. Applicant's death, serious illness, or disabling injury that occurred after submission of an application for the exam but before the exam is administered and which illness or injury or condition is certified on the Request for Refund of Fees form under penalty of perjury.
- B. Refunds in the amount of 100 percent of all fees paid, excluding credit card processing fees, in conjunction with the subject exam will be honored due to significant events beyond the applicant's control, such as displacement caused by fire, flood, earthquake, or other severe disasters resulting in a declared state of emergency by local, state, or federal government authorities, or loss of freedom due to terrorist attacks. These events must have begun on or after the final filing deadline, pursuant to Business and Professions Code section 6060.3 (January 1 for the February exam and June 1 for the July exam) for the bar exam or rule 4.58 of the Rules of the State Bar (May 15 for the June exam and September 15 for the October exam) for the First-Year Law Students' Exam, and through the administration of the exam. At least one of the following criteria must be met to be eligible for the refund:
1. 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.
 2. The applicant's primary residence was destroyed, uninhabitable, or significantly damaged by the disaster.
 3. The applicant is providing temporary housing in their primary residence for an immediate family member, as defined in paragraph (III)(A)(1) of this policy, whose home was destroyed, uninhabitable, or significantly damaged by the disaster.
 4. Death, serious illness, or disabling injury of the applicant or an immediate family member, as defined in paragraph (III)(A)(1) of this policy, caused by the disaster.
- C. Official documentation must accompany any request for a refund pursuant to (III)(A)–(B) of this policy. Official documentation consists of the following:
1. Serious illness of the applicant or their immediate family member: The request for a refund must be accompanied by a letter from the treating physician on their official letterhead. The letter must include their license number and verify the information provided on the request form, including the applicant's or family member's diagnosis, first onset, duration of illness and/or hospital stay, and date of the last visit/evaluation.
 2. Death of the applicant or a member of the applicant's immediate family: The request for a refund must be accompanied by a copy of the death certificate.

3. Disabling injury of the applicant or a member of the applicant's immediate family: The request for a refund must be accompanied by a letter from the treating physician on their official letterhead. The letter must include their license number and verify the information provided on the request form, including the applicant's or family member's diagnosis, first onset, duration of illness and/or hospital stay, and date of the last visit/evaluation.
4. Catastrophic event, state of emergency, or other severe disaster: The request must be verified by appropriate, relevant documentation, such as insurance claims, a letter from the Federal Emergency Management Agency (FEMA), etc.

Requests must be received no later than 90 days after the first day of the examination for which a refund is being requested.

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Refunds in the amount of 95 percent of all fees paid in conjunction with the subject exam will be made where either of the following prevents an applicant from preparing for or taking the First-Year Law Students' Exam or the California Bar Exam.

- A. An unanticipated call to active duty in the armed forces; or
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Requests must include supporting documentation, such as military orders.

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Pursuant to rule 4.16(B) of the Rules of the State Bar, Applications for Registration will be deemed abandoned if all required documentation and fees have not been received within sixty days of submittal, and no refund will be issued for an abandoned Application for Registration.

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Moral character applications deemed incomplete will be provided with an incomplete notice

describing the deficiencies. The applicant will have 60 days from the date of notice to cure the deficiencies. If the applicant fails to cure the deficiencies, the application will be deemed abandoned, pursuant to rule 4.43(A)(1) of the Rules of the State Bar.

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VI. NET REFUND AMOUNT

If an applicant qualifies for a refund in accordance with this policy but they have an outstanding balance due, that outstanding balance will be subtracted from the amount of the refund provided to the applicant.

Adopted by the Committee of Bar Examiners on January 31, 2025.