



The State Bar of California

Joint Supreme Court/State Bar Blue Ribbon Commission on the Future of the California Bar Examination

Purpose

In 2018, the Board of Trustees of the State Bar of California created [the California Attorney Practice Analysis \(CAPA\) Working Group](#) to convene specialists in the field of psychometrics and practice analysis to document the current practice of law in California, and more specifically to understand the knowledge, skills, and abilities needed by entry-level attorneys in California to practice law ethically and competently. The study collected data on attorney practices along two principle dimensions: what attorneys do as reflected in daily tasks, and what knowledge attorneys use to perform those tasks. The results provided information necessary to evaluate the link between the California Bar Examination's content and current legal practice and to create a blueprint—an outline of content coverage across legal topics and job responsibilities—for the future selection of bar exam topics and question items. The CAPA Working Group evaluated the findings, applied their professional judgment, and recommended that the bar exam test eight legal topics and six skills. The working group concluded its work in 2020 with a report to the Board of Trustees. This work coincided with a national practice analysis conducted by the National Conference of Bar Examiners (NCBE), whose forthcoming final report will include recommendations regarding content and format of the Uniform Bar Exam (UBE).

To evaluate the recommendations raised by the CAPA Working Group as well as additional policy questions regarding the bar exam's format and pass score, the California Supreme Court and the Board of Trustees established the joint Blue Ribbon Commission on the Future of the California Bar Exam.

Charter

The Blue Ribbon Commission is charged with developing recommendations concerning whether and what changes to make to the California Bar Exam, and whether to adopt alternative or additional testing or tools to ensure minimum competence to practice law. In so doing, the commission will review the results of the California Attorney Practice Analysis and the CAPA Working Group's recommendations; the results of the 2020 National Conference of Bar Examiners practice analysis and its recommendations for the Uniform Bar Exam (UBE) content and format; and the results of additional recent studies on the California Bar Exam conducted the State Bar, including data examining the pass rates of applicants of color. While its work will be grounded in these studies' empirical findings, the commission shall explore other issues to ensure that the exam is an effective tool for determining whether applicants are prepared to practice law ethically and competently at a level appropriate for an entry-level attorney including any information that may be gleaned from California's experience with the temporary provisional licensure program to the extent that it is relevant to the commission's charge.

In particular, the commission will develop recommendations for the California Supreme Court and the State Bar of California regarding:

1. Whether a bar exam is the correct tool to determine minimum competence for the practice of law, and specifications for alternative tools should the commission recommend that alternatives be explored and adopted.

Should the commission recommend that California retain a bar exam for the purpose of determining minimum competency for the practice of law, the commission will develop recommendations regarding the following:

2. Whether there is sufficient alignment in the knowledge, skills, and abilities to be tested by the UBE with the knowledge, skills, and abilities required of entry-level California attorneys to argue in favor of its adoption by California.
3. If adoption of the UBE is recommended, whether there should be supplementary content and skills tested or trained on to meet specific California needs, and if so, modalities for that testing or training.
4. Revisions to the California Bar Exam if the UBE is not recommended for adoption, addressing:
 - **Legal topics and skills to be tested:** The commission will recommend legal topics and skills to be tested on the bar exam and provide specifications for supplementary testing or training for topics not recommended for inclusion on the exam itself.
 - **Testing format:** In light of the legal topics and skills to be tested, the commission will determine the testing format and design of the exam. The commission will expressly consider whether the examination, including any of its subparts, should be administered online and/or in-person.
 - **Passing score:** The commission will review the appropriateness of the current bar exam pass line and whether it should be changed.

Composition

Nominations for the Blue Ribbon Commission will be appointed by the Supreme Court. Members will be drawn from the following categories of stakeholders and experts:

- Former members of the CAPA Working Group (2)
- Committee of Bar Examiners (2)
- NCBE Testing Task Force (1)
- Council on Access and Fairness (2)
- California Lawyers Association (2, at least one whom shall be a lawyer who took the bar exam within the past 3 years)
- Law school deans or faculty (2)
- Judges (active or retired) (2)
- California Department of Consumer Affairs (1)
- Current State Bar Board of Trustees (1)
- National expert on examination development or grading (1)
- Expert on online testing software, security, and privacy evaluation (1)

Members will reflect the state's demographic and geographic diversity and diversity in attorney practice sector and settings.

The Blue Ribbon Commission will begin its work in January 2021 and present a final report on its findings and recommendations no later than January 31, 2022.