The State Bar of California

BOARD OF TRUSTEES

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SENT VIA EMAIL

August 5, 2026

Honorable Patricia Guerrero, Chief Justice of California
Honorable Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94105

RE: State Bar of California Internal Investigation Update

Dear Chief Justice Guerrero and Associate Justices:

On behalf of the State Bar Board of Trustees, I write with an update on the privileged independent internal investigation into the issues relating to the February 2025 bar exam that the Board initially directed in March 2025. The Board paused that investigation in deference to and during the pendency of the audit by the California State Auditor's Office, which, pursuant to Business and Professions Code section 6145, subdivision (d), was also charged with auditing the administration of the February 2025 bar examination. After careful consideration of the State Auditor's comprehensive audit report (available at <https://www.auditor.ca.gov/reports/2025-051/>), the Board has determined that there are no issues that warrant further investigation by an independent investigator. As the Board understands that this Court has expressed interest in the results of the State Bar's investigation (see Admin. Order 2025-05-02), this letter provides an explanation of the various considerations that factored into the Board's decision.

As noted above, both the internal investigation and the State Auditor's audit were charged with examining issues relating to the administration of the February 2025 bar exam. Specifically, the focus of the internal investigation was on the issues relating to the multiple-choice questions—the topic identified in this Court's Administrative Order 2025-05-02 as an area of concern. (See Admin. Order 2052-05-02 ["[T]he Court remains concerned over the processes used to draft [the multiple-choice] questions, including the previously undisclosed use of artificial intelligence, and will await the results of the impending audits of the examination."].) The audit mandated by Business and Professions Code section 6145, subdivision (d) also required the State Auditor to examine, among other things, "whether the State Bar appropriately utilized its oversight and monitoring to ensure that sufficient processes were engaged in to develop questions, ensure accuracy, and ensure fairness in the question development" and "the events that led the State Bar to use artificial intelligence to create multiple choice questions for use on the February 2025 State Bar examination". This topic was thoroughly addressed by the State Auditor's report, which devoted 20 pages of its report to this topic, including the use of artificial intelligence for certain questions, and resulted in several recommendations geared towards question development and related process improvements. As noted in the State Bar's response to the audit report, the State Bar agreed with all of the report's recommendations and has made significant strides to implement them already, including developing a comprehensive exam development and administration framework that will guide the development and validation of State Bar generated questions (i.e., a California component accompanying the NextGen Uniform Bar Exam [UBE] and exam administration efforts).[1]

In addition to the process improvements identified in the State Bar's audit response letter, the State Bar has taken additional action with respect to bar exam development and administration, including the creation of the CBE Subcommittees on Exam Administration and Exam Development. These process improvements and other lessons learned from the February 2025 bar exam have been the subject of discussion at Board meetings. (See, e.g., Sept. 17-18, 2025, Staff Report, Item 6.1 at pp. 20-28, available at <https://calbar.primegov.com/viewer/preview?id=0&type=8&uid=02d4b275-1ff0-4c1a-afdd-7285ea282a3b>.)

Since the February 2025 bar exam, this Court has also proposed and, on September 25, 2025, adopted, a series of amendments to Title 9 of the California Rules of Court clarifying the responsibility and authority of the Board, CBE, and the Court, over the bar exam and other admissions matters. (See Admin. Order 2025-09-24-02.) Among those amendments is a requirement that the CBE "develop, maintain, and publish qualification standards, subject to review and approval by the Supreme Court, for the committee's selection of panelists and subject matter experts for any content validation panels or standard setting panels . . . ." (Cal. Rules of Court, rule 9.6(a)(2).) Prior to this Court's release of the proposed amendments to Title 9, the CBE began the process of developing policies governing the qualifications, selection, and recruitment of content and standard validation panelists as well as subject matter experts to further enhance the vetting process for questions administered on the bar examination, and to ensure all questions administered on the examination were subject to a rigorous and consistent review process. Those policies were ultimately approved by this Court with modifications in December 2025. (See Admin. Order 2025-12-17-01.)

In addition to the various process and policy improvements the State Bar has implemented since the February 2025 exam, the Board and the CBE have been focused on the future of the

[1] At its June 12, 2026, meeting, the Committee of Bar Examiners (CBE) approved operating procedures for content validation and subject matter expert review that will be incorporated in the final version of the framework. The CBE delegated to its chair and to the chair of the Subcommittee on Examination Development authority to approve the final framework. (See June 12, 2026, CBE Meeting, Staff Report, Item 4.4, available at <https://calbar.primegov.com/viewer/preview?id=0&type=8&uid=78d53c00-1b52-437e-905e-2b416de2398a>.)

bar exam, recommending that this Court order that the National Conference of Bar Examiners' NextGen UBE be administered beginning in July 2028, and that a California-specific component be developed for administration beginning as soon as possible after July 2028 and after any required notice is provided. As this Court is aware, on July 15, 2026, this Court issued an order approving that recommendation and directing the CBE to develop and submit a preliminary recommendation to the Court, by February 26, 2027, on the California-specific component to be ready for administration in July 2029. (Admin. Order 2026-07-15-01.)

As the State Bar looks to the future of the bar exam, the Board is also mindful of the costs the State Bar would incur to complete the internal investigation examining the issues with multiple-choice questions that are no longer being administered as part of the bar exam. Given the State Auditor's thorough review of the issues with the multiple-choice questions appearing on the February 2025 bar exam, its comprehensive recommendations aimed at improving the State Bar's ability to successfully administer future bar exams, and the process improvements the State Bar has implemented already, the Board determined that the State Bar's resources would be better spent on other matters advancing the State Bar's public protection mission.

In light of the State Auditor's comprehensive audit report and in consideration of the foregoing, the Board determined that there were no issues relating to the February 2025 bar exam that warrant further investigation by an independent investigator. It is the Board's desire that this letter will satisfy this Court's interest in the investigation.

Sincerely,

José Cisneros
Chair, Board of Trustees