



# The State Bar of California

---

**Title of Report:** Exploring Options for the Future Bar Examination in California: A Risk-Benefit Analysis

**Statutory Citation:** Business and Professions Code section 6046.2

**Date of Report:** April 17, 2026

---

The State Bar has submitted a report to the Legislature in accordance with Business and Professions Code section 6046.2, which requires the State Bar's Committee of Bar Examiners to explore whether adopting a uniform bar examination would be more efficient to administer and lower the cost of administration for the State Bar and examinees. This summary is provided pursuant to Government Code section 9795.

The report, which satisfies both the statutory requirement and the requirements of rule 9.6(b) of the California Rules of Court, analyzes the risks and benefits of two different bar exam options for administration in California beginning in 2028, specifically evaluating: (1) continuing to administer an exam similar to the current bar exam using content developed under contract with Kaplan Exam Services while gathering more information about alternatives and making a decision about the future exam at a later date (referred to as "Use of Kaplan"); and (2) adopting the National Conference of Bar Examiners' (NCBE) NextGen Uniform Bar Examination (NextGen UBE) without adding a California-specific component (referred to as "Adopt NextGen UBE").

Each option presents distinct advantages and trade-offs. The Use of Kaplan option maximizes control, allowing the State Bar to control policies related to exam design and administration. However, it requires significant internal development, greater staffing, and assumption of operational risks associated with exam design and administration. The Adopt NextGen UBE option emphasizes efficiency, national testing practices, and reliance on an established national testing provider. This model reduces internal operational complexity but limits flexibility to set California-specific policy objectives.

Overall, the analysis indicates that the Adopt NextGen UBE option represents the lower-risk, lower-cost, and more operationally efficient approach. However, because adoption of the NextGen UBE requires acceptance of certain policy constraints, the ultimate decision remains a policy judgment balancing these considerations against the benefits of maintaining greater control.

The full report is available for download on the State Bar website at <https://www.calbar.ca.gov/About-Us/Our-Mission/Protecting-the-Public/Reports>.

A printed copy may be obtained by calling 415-538-2000.



# The State Bar *of California*

## **Exploring Options for the Future Bar Examination in California: A Risk-Benefit Analysis**

**Prepared in Accordance with California Rule of Court 9.6(b)  
and Business and Professions Code Section 6046.2**

**As Approved by the Committee of Bar Examiners  
April 17, 2026**

## TABLE OF CONTENTS

|                                                                                                                   |    |
|-------------------------------------------------------------------------------------------------------------------|----|
| EXECUTIVE SUMMARY .....                                                                                           | 2  |
| INTRODUCTION AND PURPOSE.....                                                                                     | 3  |
| LEGAL AND REGULATORY BASIS .....                                                                                  | 12 |
| EVALUATION OF RISKS AND BENEFITS.....                                                                             | 13 |
| APPENDIX A: ASSEMENT LIFE CYCLE FOR THE TWO EXAM OPTIONS .....                                                    | 42 |
| APPENDIX B: ANALYSIS OF STAKEHOLDER FEEDBACK ON THE FUTURE CALIFORNA BAR EXAM..                                   | 50 |
| APPENDIX C: COMPARSION OF CONTENT AND SKILLS TESTED.....                                                          | 58 |
| APPENDIX D: PRELIMINARY DOCUMENTS CONSIDERED BY THE BOARD OF TRUSTEES AND THE<br>COMMITTEE OF BAR EXAMINERS ..... | 61 |

## EXECUTIVE SUMMARY

This report analyzes the risks and benefits of different bar exam options for administration in California beginning in 2028. California must determine the future of the bar exam by July 2026 in order to comply with statutory notice requirements and to prepare for the retirement of the Multistate Bar Examination (MBE) as a stand-alone product after February 2028.

Two options were evaluated: (1) continuing to administer an exam similar to the current bar exam using content developed under contract with Kaplan Exam Services (Kaplan) for a period of time to gather more information about alternatives and making a decision about future exams at a later date (referred to as “Use of Kaplan”); and (2) adopting the National Conference of Bar Examiners’ (NCBE) NextGen Uniform Bar Examination (NextGen UBE) without adding a California-specific component (referred to as “Adopt NextGen UBE”).

Each option presents distinct advantages and trade-offs. The Use of Kaplan option maximizes control, allowing the State Bar to control policies related to exam design and administration. However, it requires significant internal development, greater staffing, and assumption of operational risks associated with exam design and administration. The Adopt NextGen UBE option emphasizes efficiency, national testing practices, and reliance on an established national testing provider. This model reduces internal operational complexity but limits the State Bar’s flexibility to set California-specific policy objectives.

The analysis was conducted pursuant to rule 9.6(b) of the California Rules of Court and also satisfies the requirements of Business and Professions Code section 6046.2. The analysis provides a road map for adopting a final recommendation to the California Supreme Court for the future bar exam and is intended to assist the Court in exercising its inherent authority to make the final determination.

The analysis considers financial, operational, technological, and policy factors, as well as the potential impacts on examinees, the State Bar, and the State Bar’s public protection mission. It considers how the options align with the goals and guiding principles established by the Board of Trustees, the Committee of Bar Examiners (CBE), and by the Court itself. The analysis is informed by a number of stakeholder engagement initiatives with California law schools, licensees, prospective licensees, and attorney groups.

Overall, the analysis indicates that the Adopt NextGen UBE option represents the lower-risk, lower-cost, and more operationally efficient approach. However, because adoption of the NextGen UBE requires acceptance of certain policy constraints, the ultimate decision remains a policy judgment balancing these considerations against the benefits of maintaining greater control.

## INTRODUCTION AND PURPOSE

In late 2020, the Court adopted the charter for the joint California Supreme Court/State Bar Blue Ribbon Commission on the Future of the California Bar Exam. The Blue Ribbon Commission (BRC) was 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. ... [T]he commission shall explore other issues to ensure that the exam is an effective tool for determining whether [examinees] are prepared to practice law ethically and competently at a level appropriate for an entry-level attorney.” More specifically, the commission was asked to consider:

- Whether there is sufficient alignment in the knowledge, skills, and abilities to be tested by the Uniform Bar Examination (UBE), developed by the NCBE, with the knowledge, skills, and abilities required of entry-level California attorneys to argue in favor of its adoption by California.
- 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.

The final report of the BRC,<sup>1</sup> adopted by the Board in May 2023, lays out a detailed history of the bar exam in California, and the issues and analyses leading up to the formation of the BRC and its recommendations.<sup>2</sup> In the interest of space, this report does not repeat that complete history, but rather focuses on the factors that led to the adoption of this risk-benefit report and the recommendation to the Court for the future bar exam.

On October 10, 2024, the Court directed the State Bar to develop a new California-specific bar exam. The Court’s order largely adopted the BRC’s recommendations, but with key modifications. The most relevant components of the Court’s order, with respect to the current evaluation, are the following:

- The exam must test the following 12 topics:<sup>3</sup>
  - Administrative Law and Procedure
  - Civil Procedure
  - Constitutional Law
  - Contracts
  - Criminal Law and Procedure
  - Employment Law

---

<sup>1</sup>The report of the Blue Ribbon Commission on the Future of the Bar Exam may be accessed here:

<https://www.calbar.ca.gov/sites/default/files/agenda/agendaitem1000030806.pdf#page=6>

<sup>2</sup> Id. at pp. 8–13 for the BRC’s recommendation; pp. 13–18 for the issues leading to the formation of the BRC and its charge, and pp. 19–20 for a history of the bar exam.

<sup>3</sup> The following content areas were not recommended by the BRC but added by the Court: Administrative Law and Procedure, Employment Law, and Estate Planning, Trusts & Probate. This list includes topics not currently tested on the California Bar Exam (family law, administrative law and procedure, and employment law) and excludes topics that are currently tested (business associations, community property, and remedies). See Appendix C for a comparison of content areas.

- Estate Planning, Trusts & Probate
  - Evidence
  - Family Law
  - Professional Responsibility
  - Real Property
  - Torts
- The exam must test the 7 skills recommended by the BRC:
    - Legal Drafting and Writing
    - Research and Investigation
    - Issue Spotting and Fact Gathering
    - Counseling and Advising
    - Communication and Client Relationship
    - Negotiation and Dispute Resolution
    - Litigation Skills

In addition, the Court adopted the guiding principles identified by the BRC and set forth the following core principles to guide the design of the future bar exam:

- The design of the exam shall be fair, equitable, and minimize disparate performance impacts based on race, gender, ethnicity, disability, and other immutable characteristics.
- Admission to the State Bar of California requires a demonstration of knowledge, skills, and abilities currently required for the entry-level practice of law, otherwise referred to as minimum competence, deemphasizing the need for memorization of doctrinal law.
- Fairness and equity of the exam, or exam alternative, should be an important consideration in developing the recommended approach. Fairness and equity include, but are not limited to, cost and the mode and method of how the exam or exam alternative is delivered or made available.
- Admission to the State Bar of California requires minimum competence in professional ethics and professional responsibility.
- Criteria for admission to the State Bar of California should be designed to ensure the protection of the public.
- The recommended exam, or exam alternative, should be evidence-based.

Following the Court's order, the CBE began planning the development process. In January 2025, staff proposed the creation of a steering committee to guide the exam's development, with an ideal size of 8–12 members, and a supporting advisory group to provide broader stakeholder feedback.

## **REASSESSMENT**

While long-term planning had begun, the State Bar made a significant short-term shift. Motivated by a desire for a more accessible and affordable exam, and presented with data that suggested a majority of examinees preferred a remote experience, the State Bar executed a contract with Kaplan on August 9, 2024, to develop its own multiple-choice items (MCQs), replacing NCBE's MBE. This decoupling was intended to enable options for exam delivery—

specifically, remote and small, test center–based administration—that were not possible if administering an NCBE product.

In addition to developing its own content, the State Bar contracted with an exam administration vendor to deliver the February 2025 bar exam remotely and in test centers. The exam, unfortunately, was marred by difficulties. Examinees from the February 2025 bar exam experienced unacceptable widespread technological and proctoring issues in both the remote and in-person settings. Further, there were criticisms of the quality of the MCQs, with examinee survey results noting concerns with clarity and conciseness, legal accuracy, response options, and consistent legal terminology.<sup>4</sup> Following the exam, to respond to the issues that impacted the ability of examinees to complete the exam or demonstrate their knowledge of the material unimpeded, the CBE directly implemented or recommended to the Court a variety of scoring adjustments and other remedial measures.<sup>5</sup>

The State Bar faced significant criticism about its administration of the exam and the consequences for examinees. As a result, for the July 2025 administration, the Court provided two mandates: First, on March 4, the Court directed the State Bar to plan for an in-person administration, and then, on May 2, the Court ordered the return to NCBE’s MBE.<sup>6</sup> In addition, the California Legislature and the Court took further action:

- *Legislation:* SB 253 (Umberg), Ch. 405, Stats. of 2025, amended Business and Professions Code section 6046.6 to mandate an 18-month notice period before switching vendors for the MCQs from NCBE. This 18-month notice requirement is in addition to the existing requirement for a two-year notice for any alterations to the bar exam that require substantial modification of the training or preparation required for passage of the exam. This effectively requires, at a minimum, the use of the MBE through and including the July 2027 exam should a recommendation be made and adopted to return to the items

---

<sup>4</sup> Performance data for the 200 MCQs administered on the February 2025 exam showed that key statistical indicators, specifically, item difficulty (the proportion of examinees who answered correctly) and item discrimination (the relationship between performance on the item and performance on the total test), were generally within the acceptable target ranges based on psychometric best practices.

<sup>5</sup> Over the course of several discussions about the impact of the technological and proctoring issues, the Committee of Bar Examiners (CBE) recommended and the Supreme Court approved the following scoring adjustments: (1) in the MCQ and written sections, imputing scores for examinees who had blank responses if they had responses for at least two-thirds of the questions in the specific section; (2) imputing performance test scores for all examinees who failed the exam and using the imputed score if it exceeded the score otherwise awarded. In addition, to address the widespread challenges, in lieu of individualized scoring adjustments based on the specific issues each individual examinee experienced, the CBE recommended, and the Supreme Court approved, setting the raw minimum passing score two standard errors of measure below that recommended by the standard setting panel. The CBE also altered its policy for how scores were calculated for examinees who had a “second read” of their written responses, using the higher of the two scores given on each question rather than the average. Though not a scoring adjustment, the Board and the CBE also recommended that the Supreme Court adopt a provisional licensure program for certain February 2025 examinees.

<sup>6</sup> In its petition to the Supreme Court dated April 29, 2025, the State Bar described its intention to make its content validation process more robust, noting that “this Court may conclude that ... the State Bar should be directed to utilize the MBE for the July 2025 General Bar Examination so that there is not a risk that the process improvements are not effectively implemented before the next administration of the bar examination.”

the State Bar developed with Kaplan, absent any other changes. The statutory amendments also require a two-year notice period to switch to a remote administration of the exam and a 120-day notice period for changes that affect the user experience with the testing software and changes to the medium in which the testing materials are provided.

- *Legislation:* AB 484 (Dixon), Ch. 155, Stats. of 2025, amended Business and Professions Code section 6046.2 to require the State Bar to report to the Board, the Chief Justice of California, and to the state Assembly and Senate Committees on Judiciary on whether adopting a uniform bar exam, such as NCBE's NextGen UBE, would be more efficient to administer and lower the cost of administration for the State Bar and examinees. This report satisfies the reporting requirements under section 6046.2.
- *Rule Changes:* On September 25, 2025, the Court adopted revisions to title 9 of the California Rules of Court to clarify the roles and responsibilities of the CBE, the Board, and the Court regarding the bar exam. A key provision (rule 9.6(b)) requires the CBE to conduct and submit a comprehensive cost-benefit analysis for any proposed substantial changes to the exam's content or administration. This report serves as the analysis required under rule 9.6(b) and the specific requirements of rule 9.6(b) are discussed extensively below.

## **DECIDING THE FUTURE OF ATTORNEY LICENSURE IN CALIFORNIA**

The State Bar is now at a critical decision point. NCBE will offer the MBE as a stand-alone product for the last time in February 2028. This means California must have a new and different exam in place by July 2028. This factor, in combination with the notice requirements in Business and Professions Code section 6046.6, requires that a decision on which bar exam will be administered in 2028 be made by the Court no later than July 2026, with recommendations by the CBE and the Board made prior to that.

Over the last year, the State Bar has engaged in in-depth discussions among the Board and the CBE, both separately and jointly, and led a multifaceted stakeholder engagement process to determine the contents and format of the bar exam for 2028.

*May 2025:* The Board adopted the following guiding principles and priorities to help further decisions about the development and administration of future bar exams:<sup>7</sup>

- Doing it right is more important than doing it fast or cheap.
- Exam must be reliable and predictable.
- Minimizing risk:
  - If changes are made, with phase rollout, move with caution.
  - If changes are made, use proven technology with appropriate testing and risk minimization.
- Exam must appropriately assess for minimum competence to practice law in California.
- Exam must be accessible, affordable, fair, and equitable for [examinees].

---

<sup>7</sup> The CBE adopted those same guiding principles and priorities in August 2025 and added one additional principle: Avoid locking the State Bar into long-term vendor contracts to provide flexibility in licensing innovation.

- Lessons from the 2025 Bar Exam must be learned before moving to a remote, online exam.
- Consider developing an exam that can be delivered more frequently than twice per year.
- Caution cannot trump innovation.
- Consider both remote and in-person options.
- Improve work with stakeholders:
  - Ensure greater transparency.
  - Ensure stakeholder perspectives are sought out and considered.
  - Partner with law schools to test exam administration platforms/approaches.
  - Strong collaboration between the Board, CBE, and Court.
  - Engage with legislative partners.
- We can't rely on "business as usual" to drive the approach.
- Consider how the exam can be paid for.

*August–November 2025:* At the CBE's August 2025 meeting, it established specific subcommittees on examination administration and on examination development to oversee the operational delivery and content creation for future exams.

The Board and the CBE also held a joint meeting in August 2025 to align on the future direction of the exam with an initial discussion of three high-level options for 2028 and beyond: (1) Maintain the status quo—use of Kaplan-developed questions as a bridge while a new exam, consistent with the Court's October 2024 order, is developed; (2) Adopt the NextGen UBE; or (3) Adopt something along the lines of what the Nevada Board of Bar Examiners is pursuing, referred to as the Nevada model.

At the Board's September 2025 meeting, staff presented significant information about lessons learned from the February 2025 experience and process improvements that were implemented or planned in response. Staff also presented results from the test-taker survey conducted following the July 2025 bar exam, which reflected a continuing decline in examinees' stated preference for remote administration, decreasing from 64 percent in February 2024 to 51 percent in July 2024, 49 percent in February 2025, and 29 percent in July 2025.

The CBE discussed the three options in more detail at its October 2025 meeting, and the Board received an update in November 2025, including information learned since the CBE's October meeting. The Board also saw results of a survey of California law school deans regarding their preferences for the future exam. The survey revealed:

- ABA-approved law schools (ABA) and California-accredited law schools (CALS) generally preferred adopting the NextGen UBE.

- Registered unaccredited law schools (unaccredited) generally preferred a streamlined California exam limited to MCQs and performance tests (PTs), similar to what was adopted by the State Bar of Nevada.<sup>8</sup>

The Board discussion started to explore in more depth the three exam options, noting that the NextGen UBE required a determination of whether to include a California component and, if so, the purpose of that component and how it would be administered. The streamlined exam model under discussion, similar to what Nevada was developing, required a determination of whether to include a supervised practice component, an online module, or another approach to test skills not effectively tested on the MCQs and PTs, which is a component of Nevada's approach.

*December 2025:* State Bar staff<sup>9</sup> presented the CBE with a decision-making framework to help identify the decision points that must be made and the consequences of making each decision. The CBE also heard informative presentations from representatives of NCBE about its NextGen UBE and the State Bar of Nevada about its Comprehensive Licensing Examination. These presentations gave the CBE greater insight into these options and allowed them to ask questions to help shape their views.<sup>10</sup> At this meeting, the CBE also began considering the broader set of options:

- A new California Bar Exam
  - A new exam consistent with the October 2024 direction of the Court. Until the new exam is ready to administer (estimated 5+ year development timeline), return to using Kaplan-developed MCQs and California essays and PTs.
  - A new exam consistent with the October 2024 direction of the Court. Until the new exam is ready to administer (estimated 5+ year development timeline), use NCBE's NextGen UBE without adding a California-specific component.
  - A new exam consistent with the October 2024 direction of the Court. Until the new exam is ready to administer (estimated 5+ year development timeline), use NCBE's NextGen UBE with a California-specific component.
  - A new but streamlined California exam similar to the model adopted by Nevada. The exam would be limited to MCQs and PTs, and is intended to be ready for administration in July 2028.
  - A new but streamlined California exam similar to the model adopted by Nevada, with an online module (or other delivery) to assess skills that are difficult to measure through traditional formats (e.g., client counseling).

---

<sup>8</sup> Subsequent discussions with deans of law schools revealed that at least some of the deans of unaccredited law schools switched their preference to the NextGen UBE after participating in more discussions.

<sup>9</sup> Staff has contracted with two consultants, Dr. Danette McKinley and Dr. Louise Bahry, to assist with the development of this risk-benefit analysis. References to staff throughout this report may include these consultants.

<sup>10</sup> Board members were invited to listen in on these presentations live or by reviewing the recordings and materials. Links to both the recordings and materials were sent to Board members to facilitate their ability to gather the same information as CBE members.

- Adoption of the NextGen UBE
  - With a California-specific component.
  - Without a California-specific component.

*January 2026:* The State Bar led several stakeholder engagement efforts. First, State Bar staff met with deans and academic support faculty from all categories of California law schools. Feedback indicated that ABA-approved schools strongly favor the NextGen UBE, but without an added California component, due, in part, to a lack of confidence in the State Bar's capacity to develop a reliable exam following the February 2025 exam issues. The benefits of score portability also influenced their preference. Separately, the CBE and the Board had previously received letters from deans, including one from 11 ABA law school deans, urging the adoption of the NextGen UBE. In survey responses, CALS most frequently identified adopting the NextGen UBE as their preferred option, but with a California-specific component. Following discussions, their perspective shifted to either the NextGen UBE without a California-specific component or with a lower-stakes assessment administered online. CALS deans concluded that examinees typically acquire California-specific legal knowledge during the early years of practice and that requiring a California-specific component would negate many benefits of adopting the NextGen UBE, such as reducing the number of tested subjects. Unaccredited law schools found the Nevada model appealing because of the flexibility it provided in exam structure and timing, which they felt would improve accessibility of the exam. The discussion also revealed their significant openness to adopting the NextGen UBE.

To supplement the written and oral public comment provided to the Board and the CBE at all of its meetings since the February 2025 administration, the State Bar administered a survey to current licensees, examinees who registered with the State Bar in the last five years, bar associations, and disability rights organizations. The effort yielded over 13,500 responses. A similar survey regarding preferences and weighting of guiding principles was issued to members of the CBE and the Board in December 2025.

On January 23, 2026, the CBE and the Board conducted a pivotal joint session to process the data collected over the previous months and narrow down the options to recommend to the Court. The meeting included:

**Review of Stakeholder Survey Data:** The CBE and the Board reviewed the preliminary analysis of the data collection effort, which included:

- Licensees and Examinees: The CBE and the Board analyzed over 13,500 responses from the legal community. This data highlighted a divide: Examinees preferred the NextGen UBE (for portability, alignment with most jurisdictions, and cost considerations), while current licensees preferred maintaining a California-specific exam (for assessment of California law and competency, a focus on applied skills, and long-term continuity).
- Law School Deans: The CBE and the Board reviewed the survey results from law school deans, which showed that ABA schools and CALS favored the NextGen UBE, while unaccredited schools preferred a streamlined California exam.

- Internal Rankings: The CBE and the Board also looked at how their members ranked the adopted guiding principles and priorities (e.g., fairness, equity, etc.).
- The response rates from bar associations and disability rights organizations were so low that they were not presented.<sup>11</sup>

**Engagement with Deans:** The meeting featured a roundtable discussion with six law school deans. To ensure diverse perspectives were heard, these deans were selected by their peers to represent the three distinct types of law schools in the state: ABA law schools, CALS, and unaccredited law schools.

**Vendor Presentation:** The CBE and the Board received a presentation from Kaplan. This was part of the ongoing assessment of vendor capabilities to support a potential California-specific exam or “bridge” solution until a new California exam is developed.

**Strategic Context:** Staff provided an overview of factors for the CBE and the Board to consider in developing their recommendation for the Court. The discussion was structured around the level of control the State Bar would have for three specific options seen as feasible for implementation in 2028:

- A California-developed exam (using Kaplan to continue development of MCQs, essays, and performance tests or developing a test along the lines of the Nevada model);<sup>12</sup>
- Adoption of the NextGen UBE with a California component; or
- Adoption of the NextGen UBE without a California component.

The specific factors examined included psychometric best practices; the guiding principles and priorities adopted by the CBE and the Board; guidance from the Court in its October 10, 2024, order, which included a related set of guiding principles; the initial thinking of CBE and Board members reflected in surveys conducted in December 2025; and the results of surveys of stakeholder groups in January 2026.<sup>13</sup> In their survey, CBE and Board members were asked to identify what, at the time, they each individually viewed as the top five most important guiding principles. Drawing from the guiding principles, the survey also identified factors for consideration in determining the future bar exam. Although there was significant overlap with

---

<sup>11</sup> Appendix B summarizes stakeholder input from bar associations and disability rights organizations, along with other stakeholder input. Although bar associations and disability rights organizations had low response rates to the survey, they did express strong preferences, which are detailed in Appendix B.

<sup>12</sup> Because the focus was on the exam to be delivered in February or July 2028, a “California-developed exam” in this scenario is not the same as the California-developed exam directed by the Supreme Court in its October 10, 2024, order.

<sup>13</sup> In introducing the purpose of the survey, Board and CBE members were told: “As conversations with the Board and CBE continue, Laura [Enderton-Speed] and I [Donna Hershkowitz], with the concurrence of the Admissions Liaisons, thought it might be useful to have Trustees and CBE members take the survey as well [as the law school deans, who were surveyed first]—to help hone in on what you are thinking are the most important considerations for setting a direction for the bar exam. We understand (and, frankly, would expect) that as we continue to study and discuss these incredibly important and multifaceted issues, your views may evolve, but the results of this survey may help focus your discussions and crystallize your thinking.”

the guiding principles, CBE and Board members were also asked to identify their initial thoughts as to the top five factors for consideration for the future bar exam.

Across the two groups, the guiding principles most commonly included in respondents' top five were:

- Exam must be accessible, affordable, fair, and equitable.
- Doing it right is more important than doing it fast or cheap.
- Deliver a reliable and predictable exam.
- Assess minimum competence to practice law in California.
- Consider both remote and in-person options.

When evaluating specific factors to help drive the selection of the future exam, members' preliminary thinking prioritized alignment with California practice and cost over national portability, with the five factors most commonly included in respondents' top five being:

- Alignment with knowledge, skills, and abilities required for entry-level practice in California.
- Assessment of California law and competence.
- Cost and access considerations.
- Long-term continuity.
- Focus on applied skills.

Across all law school types, alignment with knowledge, skills, and abilities required for entry-level practice in California; long-term continuity; and cost and access considerations were also ranked among the top five factors. However, law schools ranked use of professional test developers and portability of exam scores among their top five factors, instead of assessment of California law and competence or focus on applied skills.

The guiding principles inform what is valued by the CBE, the Board, and the Court; the stakeholder feedback informs what is desired.

At this meeting, the Board and CBE also engaged in a discussion of the risks and benefits of different bar exam options and were presented with a high-level comparison of the cost implications of different options.

After synthesizing all this information and the valuable discussions and input, the CBE recommended that the Board pursue the NextGen UBE, without adding a California-specific component, as the option to be administered beginning in July 2028. Upon receiving the CBE's recommendation, the Board, not prepared to narrow it down to a single option, directed staff to conduct further research into two options for consideration before delivering a final recommendation to the Court:

1. Adoption of the NextGen UBE without a California-specific component.
2. Use of questions developed under contract with Kaplan, along with other questions currently in the State Bar's item bank. This option was intended to allow time to confirm that the technology supporting the NextGen UBE is able to support the increased load of all the testers and does not pose an unacceptable technological risk, to review

performance data (to the extent available) to determine if the NextGen UBE aligns with California’s guiding principles, and to consider any further information.<sup>14</sup> The additional time would also allow further analysis of whether to add a California component to the NextGen UBE, or whether the State Bar possessed the capacity to develop a California-specific exam to effectively test minimum competence and protect the public.

*February 2026:* The CBE’s Subcommittee on Examination Development met to review a preliminary draft of this report, focusing on the tangible and intangible benefits and risks for the State Bar and examinees. Feedback from members was, where applicable, incorporated into later iterations of this report.

*March 2026:* Another joint meeting of the CBE and the Board was held on March 13, 2026. A more complete draft of this report was discussed at that meeting. Additionally, staff presented a detailed estimate of the cost implications of each option. The estimate included one-time and annual expenses of the two options under consideration compared to the current cost to administer the exam. That estimate has been further refined and is included as table 9.<sup>15</sup>

The risk-benefit analysis described in the remainder of the document focuses on the comparison of these two options, updating some of the information initially developed to assist the CBE and the Board in their decision-making. The updates are the result of further research and the ability to hone in on the two specific recommendations now under consideration.

## LEGAL AND REGULATORY BASIS

Rule 9.6(b) provides a roadmap for the Board and the CBE in evaluating future exam options. Specifically, rule 9.6(b) requires that any changes to the bar exam that require substantial modification to the training or preparation required for passage of the exam or that substantially modify the method by which the exam is administered must be approved by the Court.

The rule explicitly states that in proposing such changes, the CBE must conduct and submit a cost-benefit analysis to assess, if relevant, the following:

1. The direct and indirect costs and the tangible and intangible benefits for the State Bar and examinees of existing practices compared to the proposed changes;
2. Any other alternative, existing products or services that are feasible to accomplish the same goals and objectives as the proposed changes and at a comparable or lower cost for the State Bar and examinees;

---

<sup>14</sup> The NextGen UBE has been adopted in 50 jurisdictions, but the first administration will not be until July 2026, and the largest jurisdictions are not set to deploy the NextGen UBE until July 2028: 10 jurisdictions will administer the NextGen UBE in July 2026, an additional 13 in February 2027, and then 3 more in February 2028. An additional 23 jurisdictions, including the larger jurisdictions, are set to administer the NextGen UBE in July 2028. One jurisdiction has adopted the NextGen UBE but has yet to announce the date of the first administration.

<sup>15</sup> At its April 17, 2026, meeting, the CBE adopted this risk-benefit analysis, but recommended incorporating the impressions of California graders, as documented in the [staff report](#) to the CBE. That information has been added as Appendix D.

3. Whether any new technological requirements or new fees to implement the proposed changes would place an undue financial burden on examinees;
4. The estimated number of temporary and non-temporary full-time equivalent positions necessary to implement the proposed changes;
5. The estimated time frame required to competently implement the proposed changes; and
6. Whether the proposed changes have previously demonstrated their efficacy under testing conditions similar to those of the bar exam.<sup>16</sup>

In addition, 2025 amendments to Business and Professions Code section 6046.2 require the State Bar to evaluate and report on whether adopting a uniform bar exam would be more efficient to administer and lower the cost of administration for the State Bar and examinees.

## EVALUATION OF RISKS AND BENEFITS

### OUTLINING THE OPTIONS

#### **Option 1: Use of Kaplan-Developed Exam While Gathering Further Information to Make a Long-Term Decision (Use of Kaplan)**

This option involves using Kaplan-developed MCQs, essays, and PTs, along with other essays and PTs currently in the item bank, for administration beginning February or July 2028. Under this approach, the State Bar would continue administering an exam with MCQs, essays, and PTs, and it would be responsible for developing its own items. Based on the discussion by the Board, this option is not intended to serve as a bridge to a *specific* future option but rather would allow more time to determine whether the technology used for the NextGen UBE performs well when deployed in other jurisdictions, including larger jurisdictions such as New York, Texas, and Florida, and to assess performance data.<sup>17</sup>

This option would allow for the adoption of either the NextGen UBE or the development of a new California-specific exam in the future.

#### **Option 2: NextGen UBE Adoption Without a California Component (Adopt NextGen UBE)**

This option involves the adoption of NCBE's NextGen UBE without adding a California-specific component, beginning with the July 2028 administration of the exam. Under this approach, the State Bar would purchase the entire exam from NCBE and no longer develop its own exam content. The NextGen UBE will include 120 stand-alone MCQs; 3 PTs; and 6 integrated item sets, a new item type that combines a common fact pattern with multiple-choice, short-answer,

---

<sup>16</sup> [https://courts.ca.gov/cms/rules/index/nine/rule9\\_6](https://courts.ca.gov/cms/rules/index/nine/rule9_6)

<sup>17</sup> A previous draft of this analysis presented to the Board and the CBE in January 2026 indicated that the delay in making the determination would also allow a more accurate impact of costs since the cost of the NextGen UBE has only been set through July 2028. This language was removed following NCBE's confirmation that fees for the NextGen UBE would only be expected to be raised every three to four years (the timeline for cost increases for the current UBE) and that increases are expected to be very modest.

and medium-answer items. By purchasing the NextGen UBE, the State Bar would be required to administer the exam in accordance with NCBE procedures. These include in-person administration on designated dates and computer-based testing for all examinees, except those with approved testing accommodations allowing handwriting.<sup>18</sup>

### **TANGIBLE AND INTANGIBLE BENEFITS AND RISKS FOR EXAMINEES AND THE STATE BAR (RULE 9.6(b)(1))**

The analysis of tangible and intangible benefits and the identification of risks centers on the examinee experience and public protection, evaluating how each option impacts barriers to entry, fairness, and overall accessibility. These criteria are framed to ensure alignment with the mandate that the exam design be fair, equitable, and grounded in evidence-based practices. The categories align with the guiding principles and priorities adopted by the Court, the Board, and the CBE.

Because Option 1, Use of Kaplan, does not make a decision about the future bar exam, but rather defers the decision, analyses of risks and benefits related to this option are only for the exam that would be in place until a future decision is made/implemented. Staff does not believe it is realistic to assume a remote administration would be possible in the next few years. Similarly, staff does not believe that item banks will be sufficiently robust in the next several years to allow for the use of small test centers.<sup>19</sup> The analyses below, therefore, do not discuss risks and benefits of remote administration or small test center administration.

**Fairness, Equity, and Affordability:** This criterion evaluates whether the exam option minimizes disparate impacts based on race, gender, ethnicity, disability, and other immutable characteristics. It balances the Board's directive that doing it right is more important than doing it fast or cheap against the need for affordability. It further considers the mode and method of delivery as a component of fairness, ensuring financial barriers do not impede access.

---

<sup>18</sup> Tables showing the alignment of the content areas and skills tested currently, tested on the NextGen UBE, and contemplated by the Supreme Court's order for a new bar exam are set forth in Appendix C.

<sup>19</sup> Because of the volume of examinees in California, use of smaller (vendor-owned/operated) test centers would have to take place over an extended window of time to provide seats for all examinees. This necessitates additional exam forms. A recent analysis concluded that based on the number of MCQs being developed by Kaplan, and the current content maps outlining the topics and subtopics to be tested on each exam, we can expect 9–11 unique test forms, assuming all questions remain in the bank after review by the content validation panels and subject matter experts. Mixing those items up across test forms will provide four to five times that amount.

**Table 1. Benefits and Risks Related to Fairness, Equity, and Affordability**

| Option 1: Use of Kaplan                                                                                                                                                                                                                                                                                                                                      | Option 2: Adopt NextGen UBE                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Benefit to the State Bar:</b> The State Bar retains full control of exam design and equity initiatives to adhere to stated equity goals and principles.</p>                                                                                                                                                                                            | <p><b>Benefit to the State Bar:</b> The NextGen UBE incorporates input from experts on user experience to address fairness and equity issues.</p> <p>Most commonly requested accommodations are provided directly through the platform, eliminating complexity of implementation.</p>                                                                                                                                                        |
| <p><b>Risk to the State Bar:</b> Possibility that that State Bar does not adequately assess whether items are biased, creating an exam that results in disparate impacts and reputational harm to the State Bar.</p>                                                                                                                                         | <p><b>Risk to the State Bar:</b> The State Bar relies entirely on NCBE’s fairness reviews.</p> <p>The State Bar cannot directly intervene to adjust the exam for California-specific equity goals.</p>                                                                                                                                                                                                                                       |
| <p><b>Benefit to Examinees:</b> The State Bar previously conducted a differential item functioning (DIF) analysis and identified no significant bias issues with the essays and performance tests. Questions are drafted/reviewed with DIF guidelines to eliminate risk of bias.</p>                                                                         | <p><b>Benefit to Examinees:</b> Examinees are tested on a nationally validated instrument used by at least 48 other jurisdictions and for which significant effort was deployed to eliminate bias.</p> <p>The platform includes accessibility features that address common accommodations, including large font, speech-to-text capability, screen-reading capability, audio version of the exam, and high- and low-contrast visibility.</p> |
| <p><b>Risk to Examinees:</b> Depending on requirements for exam administration, computer-based administration can create an inequitable testing environment for those with older hardware.</p> <p>Reliance on California’s ability to procure and negotiate fees with exam administration vendors to keep the costs passed down to examinees affordable.</p> | <p><b>Risk to Examinees:</b> State Bar exam fees may increase due to inability to negotiate license and technology fees with NCBE and potential costs of early termination penalty</p>                                                                                                                                                                                                                                                       |

|  |                                                                                                                                                                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>in Kaplan agreement.<sup>20</sup></p> <p>Computer-based administration without a handwriting option creates a potential financial barrier for those without compliant devices, on top of the risk of an inequitable testing environment for those with older hardware.</p> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Preparation Resources:** This defines the extent to which the exam is reliable and predictable. It assesses whether the option allows for the timely publication of content maps and study guides so examinees can prepare effectively and ensures that similarly qualified examinees receive similar results regardless of when they take the exam.

**Table 2. Benefits and Risks Related to Preparation Resources**

| Option 1: Use of Kaplan                                                                                                                                                                                                                                                                                                                | Option 2: Adopt NextGen UBE                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Benefit to the State Bar:</b> Contract with Kaplan includes the development of study aids.</p> <p>The State Bar has already prepared content maps. Revised study guides, with 25 additional questions and replacement/updates to previous questions used, are ready for content validation and subject matter expert review.</p> | <p><b>Benefit to the State Bar:</b> Low burden for the State Bar. NCBE produces and manages sample items.</p>                           |
| <p><b>Risk to the State Bar:</b> Stakeholders lack confidence in the State Bar to develop effective preparation resources, as questions were raised about the accuracy of the originally published student and faculty guides.</p>                                                                                                     | <p><b>Risk to the State Bar:</b> None identified.</p>                                                                                   |
| <p><b>Benefit to Examinees:</b> Exam retains a similar design to the current exam being administered, making existing preparation resources relevant.</p>                                                                                                                                                                              | <p><b>Benefit to Examinees:</b> Sample items available at no cost. Other prep materials available through NCBE’s website at a cost.</p> |

---

<sup>20</sup> See footnote 16, *supra*, regarding anticipation for only modest increases for NCBE license fees. NCBE estimates that the amount of the technology fee (which is paid directly by examinees) will decrease, as data from pilot tests suggest that the need for backup laptops and tech proctors will be significantly less than what is planned to be in place through 2028.

|                                                                                                                                                                                                                                                                                                                         |                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                         | A mature national market of test-prep vendors ensures study materials are widely available immediately. |
| <p><b>Risk to Examinees:</b> High uncertainty about the extent to which the shift in exam developer may affect the quality of the test preparation materials.</p> <p>The State Bar–developed study aids will provide a limited number of sample questions, less than what has been suggested by law school faculty.</p> | <p><b>Risk to Examinees:</b> Some examinees may find the cost of preparation materials prohibitive.</p> |

**Transparency and Stakeholder Confidence:** This measures the program’s commitment to ensure greater transparency and seek out stakeholder perspectives to advance the Board’s principle to improve work with stakeholders. For examinees, this assesses whether the option fosters trust through clear communication, partnerships with law schools, and the elimination of “business as usual” approaches to drive improvement. This criterion is also related to the Court’s principle that decisions about the future exam should be “evidence based.” In considering the future bar exam option, the Board’s priority of “long-term continuity” is directly related to stakeholder confidence.

**Table 3. Benefits and Risks Related to Transparency and Stakeholder Confidence**

| Option 1: Use of Kaplan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Option 2: Adopt NextGen UBE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Benefit to the State Bar:</b> The State Bar controls the information that is shared about the exam development and administration processes.</p> <p>Some key stakeholders (particularly bar associations in California) have expressed a clear preference for the use of Kaplan to get more information prior to making a decision.</p> <p>The State Bar can engage stakeholders directly and incorporate their feedback into exam-related decisions.</p> <p>The State Bar can collect and analyze</p> | <p><b>Benefit to the State Bar:</b> Some key stakeholders (particularly law school deans from ABA-approved and California-accredited law schools) have greater confidence in NCBE’s ability to develop exam content and have expressed a clear preference that the State Bar adopt the NextGen UBE.</p> <p>NCBE’s multiyear implementation plan included several opportunities to collect operational and item performance data.</p> <p>NCBE will provide performance data for jurisdictions, including both raw and scaled</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| performance data, and create technical documentation, which can contribute to evidence-based decision-making.                                                                                                                                                                                                                                                                                           | scores, and comparative performance at the question-type level and, for the stand-alone MCQs, by subject; beginning in 2028, the comparative performance data will extend to the skill areas tested.                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Risk to the State Bar:</b> Bearing full reputational risk for any failures and lack of stakeholder confidence due to recent exam history.</p> <p>Stakeholders may be skeptical of the viability of a new exam administration platform.</p> <p>Currently limited evidence regarding item performance.</p> <p>The State Bar fails to include stakeholders to the extent anticipated or desired.</p> | <p><b>Risk to the State Bar:</b> Stakeholders cannot audit national scoring. This requires the State Bar to work with NCBE for the explanation of any anomalies to stakeholders.</p> <p>Evidence regarding item performance limited to prototype exam and beta testing.<br/>Evidence of operational performance limited to synthetic load testing.</p> <p>If there are exam issues, the State Bar may have limited ability to respond.</p> <p>The State Bar may not be able to opt out of innovations that it deems inappropriate (e.g., future use of artificial intelligence for question development).</p> |
| <p><b>Benefit to Examinees:</b> Partnering with law schools to test platforms helps build trust.</p> <p>Improved and transparent processes for content development and subject matter expert review helps build trust.</p>                                                                                                                                                                              | <p><b>Benefit to Examinees:</b> NCBE is an established vendor, potentially inspiring more confidence than a new, untested California platform.</p> <p>Examinees can access the platform online to familiarize themselves with its functionality long in advance of any transition to the NextGen UBE.</p>                                                                                                                                                                                                                                                                                                     |
| <p><b>Risk to Examinees:</b> Examinees may lack confidence in a new, unproven exam developer compared to NCBE, and the State Bar's past history may cause a lack of confidence in administration vendor selection.</p>                                                                                                                                                                                  | <p><b>Risk to Examinees:</b> The State Bar's recent post-bar exam surveys reflect that some question the accuracy of NCBE's MBE items. This perception may cause a lack of confidence in the NextGen UBE.</p>                                                                                                                                                                                                                                                                                                                                                                                                 |

**Administration Mode and Flexibility:** This factor weighs the balance between caution and innovation. It evaluates whether the delivery method accommodates diverse examinees' needs without compromising security, ensuring that "caution cannot trump innovation" while still strictly adhering to lessons learned regarding remote delivery. This criterion also considers the Board's principles to minimize risks and to explore delivering the exam more frequently than

twice per year. When eliminating considerations of remote administration, administration of the exam in small test centers, or the flexibility to administer the exam more than two times per year, the differences between Options 1 and 2 are limited. It was observed, however, that most survey respondents did not highly rank the importance of remote administration, administration at small test centers, or administering the exam more than twice per year.<sup>21</sup>

**Table 4. Benefits and Risks Related to Administration Mode and Flexibility**

| Option 1: Use of Kaplan                                                                                                                                                                                                                                              | Option 2: Adopt NextGen UBE                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Benefit to the State Bar:</b> None identified.                                                                                                                                                                                                                    | <b>Benefit to the State Bar:</b> None identified.                                                                                                                      |
| <b>Risk to the State Bar:</b> The State Bar fails to adequately protect examinee data privacy.                                                                                                                                                                       | <b>Risk to the State Bar:</b> The State Bar does not have ability to manage examinee data privacy rights.                                                              |
| <b>Benefit to Examinees:</b> Examinees can continue to use paper copies of exam questions.                                                                                                                                                                           | <b>Benefit to Examinees:</b> NCBE designed a custom platform, with ITS paying attention to the user interface.                                                         |
| <b>Risk to Examinees:</b> In an effort to reduce costs and increase efficiency, the State Bar could seek to transition to a computer-based-only exam and fail to leave sufficient time to design or test the platform, resulting in a poor experience for examinees. | <b>Risk to Examinees:</b> Examinees are the frontline testers for new software.<br><br>Some examinees may have difficulty transitioning to a computer-based-only exam. |

**Frequency and Scheduling (Timing of Administration):** This criterion considers the Board’s principle of offering the exam more frequently than twice per year. It evaluates how the scheduling of the exam impacts an examinee’s ability to enter the workforce quickly, prioritizing options that reduce the waiting period for licensure. As noted above, staff does not anticipate having a sufficiently robust item bank in the next several years to administer the exam more than two times per year. As a result, the differences between Options 1 and

---

<sup>21</sup> Frequency of administration was rated highly by deans of unaccredited law schools and by prospective examinees, but not by other law school deans, current licensees, or the members of the Board or the CBE when expressing their preliminary views. Fifty-nine percent of prospective examinees rated a remote administration as extremely or very important, but other stakeholders did not tend to rate this factor similarly. All groups, on the other hand, rated small site administration as somewhat unimportant or not important at all. Based on surveys of examinees conducted after the administration of the bar exam, support for remote exams has declined substantially: from 64 percent in February 2024 to 29 percent in July 2025, with a small bump up to 34 percent in February 2026.

2 are limited. In the stakeholder surveys, 72 percent of prospective examinees rated this factor as extremely or very important, but few deans from ABA-approved law schools and California-accredited law schools, along with current licensees, rated this as an extremely or very important consideration.

**Table 5. Benefits and Risks Related to Frequency and Scheduling**

| Option 1: Use of Kaplan                                                                                                                                                                     | Option 2: Adopt NextGen UBE                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Benefit to the State Bar:</b> Greater flexibility to move toward alternate scheduling (e.g., quarterly).                                                                                 | <b>Benefit to the State Bar:</b> None identified.                                                                                                                                                |
| <b>Risk to the State Bar:</b> Difficulty retaining graders for what would become nearly year-round grading; cost of grading.                                                                | <b>Risk to the State Bar:</b> Administration is currently limited to two times per year (February and July), preventing the State Bar from offering more frequent testing to speed up licensure. |
| <b>Benefit to Examinees:</b> If administered more frequently than two times per year, examinees who fail may retake the exam sooner, reducing income loss and accelerating workforce entry. | <b>Benefit to Examinees:</b> None identified.                                                                                                                                                    |
| <b>Risk to Examinees:</b> The State Bar is unable to administer more frequently than twice per year; any perceived benefit unrealized.                                                      | <b>Risk to Examinees:</b> Examinees who fail must wait six months for the next cycle, delaying workforce entry, as opposed to more frequent options.                                             |

**Technology and System Reliability:** This assesses the risk associated with the testing platform, specifically prioritizing proven technology to minimize the risk of operational failure. It evaluates whether the technological requirements placed on the examinee create inequitable barriers, ensuring that the Board’s principle that lessons from the February 2025 bar exam are learned.

**Table 6. Benefits and Risks Related to Technology and System Reliability**

| Option 1: Use of Kaplan                                                                                                                                                       | Option 2: Adopt NextGen UBE                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Benefit to the State Bar:</b> Opportunity to observe the initial administrations of the NextGen UBE to understand technological risks before considering it in the future. | <b>Benefit to the State Bar:</b> Beta test conducted demonstrates operational success. Four full exam administrations prior to July 2028 to allow identification and |
| The State Bar would have greater control over timing of technology updates and enhancements.                                                                                  |                                                                                                                                                                      |

|                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Depending on choice of exam vendor, there could be far less reliance on Internet connectivity on exam day, which eliminates a technological risk.                                                                                                                                    | remediation of any issues. <sup>22</sup><br><br>Synthetic load testing conducted to simulate user traffic of as many as 90,000 simultaneous downloads (more than required).<br><br>Four additional servers added with redundancy. Not reliant on AWS servers.                                                                                  |
| <b>Risk to the State Bar:</b> Bearing full reputational risk for any failures and lack of stakeholder confidence due to recent exam history.<br><br>Requires the State Bar to effectively select and manage vendors to ensure each exam administration is consistent with intention. | <b>Risk to the State Bar:</b> Technical documentation and process documentation are internal and not publicly available.<br><br>Large jurisdictions such as New York, Florida, and Texas will not deploy until July 2028, leaving a question as to the vendor's and platform's capabilities when at full load, despite synthetic load testing. |
| <b>Benefit to Examinees:</b> None identified.                                                                                                                                                                                                                                        | <b>Benefit to Examinees:</b> NCBE is an established vendor, potentially inspiring more confidence in its success despite the new platform.                                                                                                                                                                                                     |
| <b>Risk to Examinees:</b> Examinees may lack confidence in a new, unproven exam administration vendor.                                                                                                                                                                               | <b>Risk to Examinees:</b> None identified.                                                                                                                                                                                                                                                                                                     |

**Support and Accommodations:** This evaluates the robustness of examinee supports, particularly regarding the requirement to minimize disparate performance impacts based on disability. It asks whether the option provides equitable access to testing accommodations to ensure all examinees have a fair opportunity to demonstrate their competence.

Under both options, the State Bar would remain responsible for evaluating requests for testing accommodations. The State Bar provides testing accommodations to ensure that examinees with disabilities can access the exam and are afforded an equal opportunity to obtain the same results, gain the same benefits, or reach the same level of achievement as others. Examinees

---

<sup>22</sup> Through July 2028, NCBE will have 10 backup laptops and one technical support person per 100 examinees to ensure a stable administration. Numbers post-July 2028 will be based on observed need.

with disabilities are granted reasonable testing accommodations provided that they establish their disability-related functional limitations, their specific access needs, and how those needs relate to the requested testing accommodations. Each matter is evaluated and decided on a case-by-case basis.

The NextGen UBE is not currently administered remotely. As communicated to State Bar staff, NCBE believes that remote administration of the exam poses too great a risk to the security of the exam at this time. Similarly, at this time, the State Bar is not prepared to confirm that remote administration would be available under Option 1.

Under either option, if an applicant establishes that their disability-related functional limitations require that no other individual is in the room with them, the State Bar can provide proctoring that does not require direct contact with the applicant. Under the law, the State Bar is not required to provide accommodations that fundamentally alter the nature of the exam, and this is true whether the exam is the NextGen UBE or an exam using the Kaplan questions.

**Table 7. Benefits and Risks Related to Support and Accommodations**

| Option 1: Use of Kaplan                                                                                                                                                                                                                          | Option 2: Adopt NextGen UBE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Benefit to the State Bar:</b> The State Bar controls the management of support and accommodations.</p> <p>The State Bar has the flexibility to implement accommodations differently than how they would be implemented under Option 2.</p> | <p><b>Benefits to the State Bar:</b> The State Bar determines accommodations to be approved and transmits the decision to NCBE.</p> <p>Platform addresses accessibility needs that are more frequently requested as a testing accommodation than remote administration.</p> <p>Independent audit conducted by Level Access, a third-party accessibility organization, to determine compliance with recognized accessibility standards. NCBE's goal is to meet full accessibility certification prior to the administration in July 2026.</p> |
| <p><b>Risk to the State Bar:</b> Must identify and manage an exam administration vendor that is able to successfully implement at least the most commonly granted accommodations.</p>                                                            | <p><b>Risk to the State Bar:</b> Support is managed by NCBE, meaning the State Bar cannot directly resolve examinee issues during the exam cycle.</p> <p>Timeline for approval of accommodations may change to meet NCBE-managed offerings.</p>                                                                                                                                                                                                                                                                                              |

|                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Benefit to Examinees:</b> The State Bar could decide to deploy remote technology or use small test centers more quickly than NCBE would.</p>                        | <p><b>Benefit to Examinees:</b> Platform has incorporated features, including the ability to change the font size, speech-to-text capability, screen-reading capability, audio version of the exam, high- and low-contrast visibility, and “stop-the-clock breaks,” which are requested at a much greater frequency than remote administration.</p>            |
| <p><b>Risk to Examinees:</b> Lack of confidence in the State Bar’s ability to select and manage an exam administration vendor based on experience with February 2025.</p> | <p><b>Risk to Examinees:</b> Examinees generally must navigate national protocols for technical support, which may be less responsive than a direct State Bar channel.</p> <p>Remote administration is subject to NCBE’s determination that the technology can be deployed consistent with exam security and integrity requirements of a high-stakes exam.</p> |

**Assessment of Minimum Competence (Content Validity):** This ensures the exam is an accurate measure of minimum competence by measuring the knowledge, skills, and abilities currently required for the entry-level practice of law. It evaluates whether the content—including the Court’s specific requirement for assessment of minimum competence in professional ethics and professional responsibility—is relevant to actual practice and grounded in evidence. It also relates to other Court principles, including ensuring the exam furthers the protection of the public and focuses more on skills than memorization of doctrinal content. The Board’s priorities—an assessment of California law and competence and a focus on applied skills—are directly related to the content of the exam and an assessment of whether that content aligns with the principle that the exam appropriately assesses for minimum competence to practice law in California.

**Table 8. Benefits and Risks Related to Assessment of Minimum Competence**

| Option 1: Use of Kaplan | Option 2: Adopt NextGen UBE |
|-------------------------|-----------------------------|
|-------------------------|-----------------------------|

|                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Benefit to the State Bar:</b> The State Bar controls the definition of minimum competency, the content map, and scoring rules.</p> <p>Ability to test California-specific doctrinal areas.</p>                                                                                             | <p><b>Benefit to the State Bar:</b> The content and skills to be tested align significantly with the content and skills of entry-level attorneys in California, as determined by California’s practice analysis.</p> <p>The exam places greater emphasis on skills, and the exam content scope clearly distinguishes between areas that require knowledge of legal concepts and principles and those where foundational knowledge is not necessary to demonstrate the tested skills.</p> |
| <p><b>Risk to the State Bar:</b> The Kaplan exam will not include the updated content maps recommended by CAPA, the Blue Ribbon Commission, and the Court.</p> <p>Initially, no change to the doctrinal areas and skills measured or the need for memorization versus application of skills.</p> | <p><b>Risk to the State Bar:</b> Assessment is based on a national practice analysis, not the California-specific CAPA study. Though there is significant overlap in the general areas of applicability, it does not cover California law.</p>                                                                                                                                                                                                                                           |
| <p><b>Benefit to Examinees:</b> The exam content is aligned with current MBE content and additional testing of California rules, providing familiarity to examinees.</p>                                                                                                                         | <p><b>Benefit to Examinees:</b> Scores are likely to be transferable (portability), allowing examinees to transfer their scores to other NextGen UBE jurisdictions.</p>                                                                                                                                                                                                                                                                                                                  |
| <p><b>Risk to Examinees:</b> Unlikely for there to be any reciprocity.</p>                                                                                                                                                                                                                       | <p><b>Risk to Examinees:</b> Whether other jurisdictions will allow graduates of CALS or unaccredited schools to port their scores remains unknown.</p>                                                                                                                                                                                                                                                                                                                                  |

## EVALUATION OF THE DIRECT AND INDIRECT COSTS (9.6(b)(1))

Table 9 provides an analysis of estimated one-time and annual direct and indirect costs for each option, broken down by category. This analysis encompasses the direct and indirect economic impacts on the State Bar, which ultimately influence the economic impact on examinees since fees on examinees are required to cover the costs to the State Bar.

As described in the tangible and intangible benefits analysis above, Option 1, Use of Kaplan, does not make a decision about the future bar exam, but rather defers the decision. As a result, analysis of costs of this option are only for the exam that would be in place until a future decision is made/implemented (i.e. a California exam with MCQs developed by Kaplan and

essays and performance tests either developed by Kaplan or otherwise already in the item bank). Staff does not believe it is realistic to assume a remote administration would be possible in the next few years. Similarly, staff does not believe that item banks will be sufficiently robust in the next several years to allow for the use of small test centers. The analysis, therefore, does not take into consideration potential cost savings from such changes in the administration of the exam.

Table 9 compares the cost of the two options with current exam costs as reflected in the adopted 2026 State Bar budget.<sup>23</sup> This analysis does not allow for an estimation of what the bar exam application fee would be for examinees under either option for reasons including the following:

- Cost increases are not estimated. In other words, the anticipated cost of exam sites for the 2026 exams are used for future years and are not increased to reflect inflation or changes in the consumer price index or average year-over-year increases experienced by the State Bar.
- Personnel costs are not increased to reflect cost-of-living adjustments or merit increases for staff. Similarly, other likely increases impacting expenditures on compensation, such as increased health care costs, are not calculated.
- The analysis does not adjust the number of projected examinees for future exams.
- Costs for standard validation (for Use of Kaplan) are not currently included; standard validation is necessary because exam scores can no longer be anchored to multiple-choice questions developed by NCBE.
- Costs for standard setting (for Adopt NextGen UBE) are not currently included; standard setting is necessary to establish a raw passing score for the new exam.

All these factors, among others, would be part of a fee setting analysis similar to the analysis that was presented to the Board in November 2025.<sup>24</sup> Such analyses are scheduled for every three years but can be accelerated if needed.

Other assumptions built into this analysis are as follows:

- Costs for the exam administration platform for the Use of Kaplan option are identical to the current fees paid to ExamSoft. This does not take into consideration reductions that could be available for multiyear contracts, nor does it take into consideration additional costs to convert the exam into a partially or fully computer-based administration.
- The cost for the NextGen UBE remains stable after July 2028, as well as the technology fee assessed to examinees.

---

<sup>23</sup> Due to the timing of the completion of this analysis, these numbers were not updated to reflect the February 2026 bar exam's actual expenditures or the currently anticipated, though not finalized, costs for the July 2026 bar exam.

<sup>24</sup> See item 6.2, Approval of Applicant and Other Fees for Admissions Programs, [Board of Trustees Meeting, November 20–21, 2025](#).

**Table 9. Estimated One-Time and Annual Direct and Indirect Costs by Category**

| Cost Category                         | Sub-Category     | Occurrence | Option 1:<br>Use of<br>Kaplan | Option 2:<br>NextGen<br>UBE | Current     | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------|------------------|------------|-------------------------------|-----------------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exam<br>Development<br>and Validation | Item Development | One-Time   | \$2,850,000                   | \$712,000                   | \$2,850,000 | <p><b>Current:</b> Assumes continued payment on Kaplan contract. Does not reflect sunk costs of \$3,750,000 paid for years one and two and \$1,650,000 for year three.</p> <p><b>Option 1:</b> Years four and five on Kaplan contract (payments due August 2027–March 2029). Does not include year three costs of 1,650,000 (payments due August 2026–March 2027).</p> <p><b>Option 2:</b> Early termination penalty (payment due February 2027). Does not include year four costs of 1,650,000 (payments due August 2026–March 2027).</p> |
|                                       | Item Validation  | Annual     | \$931,000                     | \$0                         | \$931,000   | <p><b>Current:</b> Includes content validation panelists and subject matter experts (SMEs) (\$469,000), plus Exam Development and Grading (EDG) team, essay and PT pre-testing, copyediting of MCQs, essays, and PT.</p> <p><b>Option 1:</b> Ongoing annual costs could decrease somewhat after push to revalidate all questions in question bank.</p>                                                                                                                                                                                     |

| Cost Category              | Sub-Category                                                                                                          | Occurrence | Option 1:<br>Use of<br>Kaplan | Option 2:<br>NextGen<br>UBE | Current     | Comments                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------|------------|-------------------------------|-----------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            |                                                                                                                       |            |                               |                             |             | <b>Option 2:</b> EDG team costs related to grading moved to grading line. Amount of EDG team expenses related to grading estimated at 50 percent.                                                                                                                                                                                                         |
|                            | Exam Development Software                                                                                             | One-Time   | Unknown                       | \$0                         | \$0         | <b>Option 1:</b> As the number of items increases, investment in an item banking solution would be required.                                                                                                                                                                                                                                              |
|                            | Licensing of Exam                                                                                                     | Annual     | \$0                           | \$2,175,000                 | \$938,000   | <b>Current:</b> For MBE at \$72 per examinee, excluding those who take the Attorneys' Exam.<br><b>Option 2:</b> Assumes 15,000 examinees (for consistent comparison with exam administration software expenses, below) at \$145 per examinee.                                                                                                             |
| <b>Exam Administration</b> | Test Sites (includes venue, tables, chairs, electrical, A/V, computer rental, Internet, and staff travel to the exam) | Annual     | \$2,761,000                   | \$3,041,000                 | \$2,761,000 | <b>Current:</b> Does not include equipment to provide Internet access to examinees.<br><b>Option 2:</b> Assumes an additional \$280,000 for equipment to provide Internet access to examinees. (This is a rough, likely very high estimate.) This option could have a lower cost for room rental, with a significantly smaller workroom footprint needed. |

| Cost Category | Sub-Category                                                         | Occurrence | Option 1:<br>Use of<br>Kaplan | Option 2:<br>NextGen<br>UBE | Current     | Comments                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------|----------------------------------------------------------------------|------------|-------------------------------|-----------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | Exam Administration Software (per licensee cost and on-site support) | Annual     | \$1,165,000                   | \$0                         | \$1,165,000 | <p><b>Current:</b> Reflects 2026 contract with ExamSoft for \$1,165,000 based on 15,000 examinees and \$40,000 for on-site support.</p> <p><b>Option 1:</b> Assumes consistency with current costs and number of examinees.</p> <p><b>Option 2:</b> No additional State Bar cost beyond exam licensing fee set out in exam development above. See below for technology fee to examinees.</p> |
|               | Proctors and Off-Duty Officers                                       | Annual     | \$2,618,000                   | \$1,600,000                 | \$2,618,000 | <p><b>Option 2:</b> As described in the narrative below, assumes a change in the ratio of proctors to examinees from 1:30 to 1:50 and a conservative reduction in the number of workroom proctors.</p>                                                                                                                                                                                       |
|               | Delivery and Printing                                                | Annual     | \$190,000                     | \$90,000                    | \$190,000   | <p><b>Option 2:</b> Assumes elimination of 75 percent of printing costs and 50 percent of delivery costs.</p>                                                                                                                                                                                                                                                                                |
|               | Grading                                                              | Annual     | \$545,000                     | \$626,750                   | \$545,000   | <p><b>Option 2:</b> Assumes a reduction in grading costs of 15 percent, as described in the narrative above. Includes 50 percent of EDG team costs moved from Item Validation line above re: Current and Option 1.</p>                                                                                                                                                                       |

| Cost Category              | Sub-Category         | Occurrence | Option 1:<br>Use of<br>Kaplan | Option 2:<br>NextGen<br>UBE | Current      | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------|----------------------|------------|-------------------------------|-----------------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Staffing & Personnel Needs | Staff Compensation   | Annual     | \$9,238,767                   | \$8,371,986                 | \$8,938,986  | <p><b>Current:</b> Includes staff compensation and indirect costs attributed to bar exam in November 2025 fee analysis.</p> <p><b>Option 1:</b> Assumes one additional staff member (Director of Exam Development) at the midpoint of salary range plus 30 percent for benefits.</p> <p><b>Option 2:</b> Assumes no additional exam development staff and three fewer exam administration staff (at \$189,000 per staff person based on the average fully loaded staff cost). The likely ability to reduce exam development staff is not currently accounted for in this calculation.</p> |
|                            | Psychometric Support | Annual     | \$138,000                     | \$35,000                    | \$138,000    | <p><b>Current:</b> Includes support for the bar exam and 75 percent of contract allotment for ad hoc services.</p> <p><b>Option 2:</b> NCBE will provide psychometric services relating to scoring and grading; the remaining is an estimate for ad hoc analyses related to the bar exam.</p>                                                                                                                                                                                                                                                                                             |
| Total Annual Costs         |                      |            | \$17,586,767                  | \$15,939,736                | \$18,224,986 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Cost Category                    | Sub-Category    | Occurrence | Option 1:<br>Use of<br>Kaplan    | Option 2:<br>NextGen<br>UBE | Current | Comments                                                                                                                                                                                           |
|----------------------------------|-----------------|------------|----------------------------------|-----------------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Total One-Time Costs</b>      |                 |            | <b>\$2,850,000<br/>+ Unknown</b> | <b>\$712,000</b>            |         | <b>Option 1:</b> Reflects years four and five on Kaplan contract and unknown costs for exam development software.<br><b>Option 2:</b> Reflects cost of early termination fee to be paid to Kaplan. |
| <b>Examinee Financial Burden</b> | Technology      | Per Exam   |                                  | \$149 per examinee          |         | Technology fee payable directly to NCBE.                                                                                                                                                           |
|                                  | Travel & Access |            |                                  |                             |         | No difference between Option 1 and Option 2.                                                                                                                                                       |

## **ALTERNATIVE, EXISTING PRODUCTS OR SERVICES THAT ARE FEASIBLE TO ACCOMPLISH THE SAME GOALS AND OBJECTIVES (9.6(b)(2))**

The requirement to evaluate whether there are any other alternative, existing products or services that are feasible to accomplish the same goals and objectives of the proposed changes is likely not applicable to the current evaluation. There is no status quo or “existing” exam that could be used. As of July 2028, NCBE’s MBE will no longer be available as a stand-alone product; the bar exam that California administers *will* be different than the exam that is administered today. Although the NextGen UBE is produced by NCBE and is replacing the MBE, it has not yet been administered and thus is not an “existing” exam. An argument can be made that Option 1, Use of Kaplan, is the closest thing to an existing exam to explore. However, Option 1 is itself a proposed change to the exam currently administered.

Nonetheless, there is value in examining key information about the content and delivery of each option under consideration, as well as how each option aligns with the goals and principles adopted by the Court, the Board, and the CBE.

Appendix A includes an evaluation of how the two options compare across key components of the assessment life cycle: assessment development and assessment administration.

How each option relates to the adopted guiding principles is described in the section above on tangible and intangible benefits.

## **IMPACT OF NEW TECHNOLOGICAL REQUIREMENTS OR NEW FEES ON EXAMINEES (9.6(b)(3))**

Rule 9.6(b)(3) requires the State Bar to determine whether any new technological requirements or new fees to implement the proposed changes would place an undue financial burden on examinees. This factor assesses the complexity and scale of the digital ecosystem required for the State Bar. It considers whether the State Bar must procure, build, or integrate new software platforms and hardware infrastructure to support the option. This criterion assesses the trade-off between using an already developed but prepackaged, supported platform (Option 2, Adopt NextGen UBE) versus the agency—and responsibility—of architecting a custom digital ecosystem. It considers whether, as is the case for Option 1, Use of Kaplan, the State Bar must procure, build, or integrate new software platforms and hardware infrastructure to support the option.

As the exam is currently administered, examinees are given hardcopy booklets with essays, performance test questions, and multiple-choice questions. Examinees use their laptops only to enter their answers to essays and performance test questions in a basic word processing program; they submit answers to multiple-choice questions by bubbling a Scantron sheet. Option 1, Use of Kaplan, may involve no changes to the technological burden and related fees on examinees if the State Bar makes no changes to the administration of the exam. However, decisions to improve the efficiency of the exam administration by loading questions into the system, in lieu of the current practice of providing hardcopies of the questions, and/or having examinees respond to multiple-choice questions using their laptop, could require a significant initial investment to develop a custom platform or modify an existing platform to accommodate the length of questions on the bar exam and examinees’ desire to have side-by-side views of

the question and response fields. It could also impact the cost per examinee of the software licenses currently assessed to the State Bar. Any increases to the costs of the State Bar will result in increased costs to examinees.

Any custom development is anticipated to require a longer-term contract with a vendor (contrary to the guiding principle adopted by the CBE) to make the custom development worth the vendor's effort.

Use of a new platform could, as discussed above, impact examinees with older computers that are unable to meet the minimum system requirements of a new platform. In short, the risks of technological requirements or new fees for Option 1 depends on decisions not yet made. However, the fee to sit for the bar exam in California is developed by exploring the universe of costs involved in administering the exam—from exam development to personnel costs to exam sites. The costs of developing a new platform are simply one part of the equation. Table 9, above, identifies the total costs for each of the two options and how that compares to the current cost of administration of the bar exam. To the extent the costs are higher than current costs, it should be anticipated that the examinee fee would need to increase. To the extent the costs are lower than current costs, examinee fees may be able to be reduced.

**Table 10. Benefits and Risks to Exam Development and Administration  
Related to Technological Requirements**

| Option 1: Use of Kaplan                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                     | Option 2: Adopt NextGen UBE                                                  |                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------|
| Development                                                                                                                                                                                                                     | Administration                                                                                                                                                                                                                                                                                      | Development                                                                  | Administration                                                  |
| <b>Benefit:</b> None identified.                                                                                                                                                                                                | <b>Benefit:</b> None identified.                                                                                                                                                                                                                                                                    | <b>Benefit:</b> No investment required; NCBE manages the platform ecosystem. | <b>Benefit:</b> None identified.                                |
| <b>Risk:</b> Initially, existing technology infrastructure will suffice. If a decision is made for ongoing development, technology infrastructure improvements will be needed to support question banking and item development. | <b>Risk:</b> Administration vendor must successfully interface with the question banking system; high complexity in vendor integration.<br><br><b>Risk:</b> CBE principle of avoiding long-term vendor contracts requires regular procurement, resulting in unstable costs and vendor requirements. | <b>Risk:</b> None identified.                                                | <b>Risk:</b> Examinee hardware requirements are set externally. |

|  |                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
|  | <p><b>Risk:</b> If the State Bar chooses to improve efficiency by procuring a vendor able to design a platform to deliver the questions in the software, the State Bar will need to have the expertise to effectively manage the vendor in the design of the user interface. Such a new platform design is likely to result in increased expenses and require a longer-term vendor contract.</p> |  |  |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|

#### **ESTIMATED NEED FOR STAFF TO IMPLEMENT THE SELECTED OPTION (9.6(b)(4))**

Rule 9.6(b)(4) directs the CBE to assess the estimated number of temporary and non-temporary full-time equivalent positions necessary to implement the proposed changes. This section evaluates whether current staffing levels and subject matter expertise are sufficient, or if significant hiring, training, or external consulting is necessary to manage the workload.

##### **Option 1: Use of Kaplan**

The continued use of Kaplan for exam development will require completion of the recruitment of an Exam Development Director to implement lessons learned from the February 2025 exam. Sufficient numbers of staff, dedicated to the exam development function, with appropriate expertise, will be required to continue managing the contract with Kaplan, publish corrected study guides and additional questions for study, ensure question development sufficient to meet the content maps, and engage in effective content validation processes, including subject matter expert review. Since this option is not directing the creation of a new California exam, but rather continuing in a holding pattern while further data are developed, we do not anticipate the need for other new exam development staff other than the Exam Development Director. Should a decision be made to begin development of a California-specific exam, significant new development resources, both staff and contractors, would be required.

##### **Option 2: Adopt NextGen UBE**

Adoption of NextGen UBE, a computer-based-only exam, will not only eliminate the need for additional exam development resources, but will reduce the need for exam administration staff. Current processes are *heavily* paper-based. In addition to printing questions for each examinee and shipping those to exam sites, there are multiple forms printed, shipped, and completed to account for the distribution and collection of paper-based materials. The vast

majority of paper and tools currently shipped to stock the workrooms at each test site and to support the proctors will become unnecessary. Before each exam, staff members inventory an incredibly large volume of boxes containing tools and materials to ensure the correct amount is shipped to each test site. When the materials are at the test site, staff and workroom proctors review them to ensure the inventory list matches what was shipped. The materials and tools are distributed to staff, proctors, and examinees; collected at the end of the exam; and then re-inventoried before being repacked and shipped back to the State Bar. In addition, the use of paper-based materials and handwritten responses results in risks of damage or loss during shipping as well as misplaced written exam answers that require significant staff time to properly account for. The elimination of these tasks will allow the reduction of at least three exam administration positions and the redeployment of other staff.

**Table 11. Benefits and Risks to Exam Development and Administration Related to Staffing**

| Option 1: Use of Kaplan                                                                                                                                               |                                                                                                                         | Option 2: Adopt NextGen UBE                                                                |                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development                                                                                                                                                           | Administration                                                                                                          | Development                                                                                | Administration                                                                                                                                                                                                              |
| <b>Benefit:</b> None identified.                                                                                                                                      | <b>Benefit:</b> None identified.                                                                                        | <b>Benefit:</b> Fully NCBE managed. Can reexamine Admissions structure and redeploy staff. | <b>Benefit:</b> Reduction in staff with elimination of significant amounts of paper materials.<br><br><b>Benefit:</b> -Staff resources not needed on a fulltime basis to work on exam administration and can be redeployed. |
| <b>Risk:</b> Requires Exam Development Director (planned hiring) to finalize exam development framework and ensure consistent, accurate application of the framework. | <b>Risk:</b> Requires dedicated staff to manage paper-based administration, platform development, and vendor oversight. | <b>Risk:</b> None identified.                                                              | <b>Risk:</b> None identified.                                                                                                                                                                                               |

#### **TIME FRAME FOR IMPLEMENTATION (9.6(b)(5))**

Rule 9.6(b)(5) requires this analysis to include the estimated time frame required to competently implement the proposal.

Use of Kaplan, with an in-person administration at large test sites, could begin February 2028—the earliest date possible after providing the required notice. To provide for additional time to

review Kaplan content under development, a decision could be made to delay implementation until July 2028. Adoption of the NextGen UBE will be able to begin July 2028, which is the earliest date possible after providing the statutorily required two-year notice. The option to continue with the use of Kaplan is not a long-term solution, but rather a way to give the State Bar time to assess the viability of other options. It would be early 2029 before the State Bar could evaluate the ability of the NextGen UBE platform to support larger jurisdictions and to assess available performance data. A recommendation to the Court, following such a review, would most likely be submitted to the Court in spring or early summer 2029. With the required notice, a decision to adopt the NextGen UBE at that time would mean adoption no earlier than July 2031. If the decision is to develop a California exam, the development efforts, which are estimated to take 5 to 10 years, would begin then, likely commencing with an updated attorney practice analysis.

There are two factors to consider in assessing the estimated time frame: time to implementation and readiness. Time to implement evaluates the feasibility of delivery against the non-negotiable July 2028 deadline, looking at whether the development schedule is dictated by external vendor roadmaps (where release dates are externally set) or internal project management (where the State Bar sets the pace for piloting and rollout).

**Table 12. Benefits and Risks to Exam Development and Administration  
Related to the Time Frame for Implementation**

| Option 1: Use of Kaplan                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                              | Option 2: Adopt NextGen UBE                                                                                                                                         |                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development                                                                                                                                                                                                                                                                                                                                                                                                                                                | Administration                                                                                                               | Development                                                                                                                                                         | Administration                                                                                                                                                                                                                  |
| <p><b>Benefit:</b> While initial timeline is constrained by the MBE being eliminated as of July 2028, long-term timeline is controlled internally, allowing for phased rollout of future changes.</p> <p><b>Benefit:</b> Kaplan has continued to develop and deliver MCQs, essays, and PTs as required by the contract.</p> <p><b>Benefit:</b> Final selection of content validation panelists and subject matter experts is imminent. Revalidation of</p> | <p><b>Benefit:</b> Greater flexibility in administration scheduling; possibility to implement as early as February 2028.</p> | <p><b>Benefit:</b> NCBE managed. Exam is “off the shelf”; development timeline (doctrinal areas, question format, skills measured) is entirely managed by NCBE.</p> | <p><b>Benefit:</b> Rapid deployment possible.</p> <p><b>Benefit:</b> Requires fewer proctors than historically used, ensuring that the State Bar will be able to timely secure sufficient numbers of proctors to implement.</p> |

|                                                                                                                                                                                                                                                                                              |                                                                                                                                  |                               |                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| all MCQs in the question bank and the new essays and PTs can begin by late spring/early summer.                                                                                                                                                                                              |                                                                                                                                  |                               |                                                                                                                                                                                             |
| <b>Risk:</b> Content validation panels and SMEs will identify problems with items, requiring Kaplan to revise the items; this could lead to delaying the ability to publish study guides and having insufficient numbers of items, aligned with the content map, for administration in 2028. | <b>Risk:</b> Must identify and contract with a new platform vendor for test administration; dependent on successful RFP process. | <b>Risk:</b> None identified. | <b>Risk:</b> Possibility that synthetic load testing did not adequately assess real-world capacity issues and platform unable to support the increase in examinees scheduled for July 2028. |

Readiness to implement measures the gap between our current state and the required “go live” state. This criterion allows for the evaluation of the current state of operational preparedness. It asks if the necessary infrastructure, policy frameworks, and vendor agreements are already in place, or if significant foundational work is required before implementation can begin.

**Table 13. Benefits and Risks to Exam Development and Administration  
Related to Readiness to Implement**

| Option 1: Use of Kaplan                                                                                                                                                                                                                                                                      |                                                                                                                                              | Option 2: Adopt NextGen UBE                                                                                                                                                                                                                                                           |                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development                                                                                                                                                                                                                                                                                  | Administration                                                                                                                               | Development                                                                                                                                                                                                                                                                           | Administration                                                                                                                                                                                             |
| <b>Benefit:</b> State Bar vendors have already implemented requirements needed and/or processes are in place to ensure readiness (e.g., content maps created, draft questions delivered by Kaplan, recruitment for content validation panelists and subject matter experts nearly complete). | <b>Benefit:</b> Staff familiarity with administering the exam, as it is similar to previous exams; use of existing administration materials. | <b>Benefit:</b> Content is developed based on national practice analysis. No State Bar content validation required.<br><br><b>Benefit:</b> Study materials available for examinee use, and bar preparation companies set to prepare examinees on the requirements of the NextGen UBE. | <b>Benefit:</b> Proven technology and standard protocols reduce start-up friction.<br><br><b>Benefit:</b> Staff can learn from other jurisdictions information needed to administer the exam successfully. |

| Option 1: Use of Kaplan                                                                                                                                                                                               |                                                                                                                                                    | Option 2: Adopt NextGen UBE   |                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development                                                                                                                                                                                                           | Administration                                                                                                                                     | Development                   | Administration                                                                                                                                                                                                                         |
| <b>Risk:</b> Improved workflows for item validation and review require operational testing. Documentation of standard operating procedures is necessary to ensure long-term development program meets best practices. | <b>Risk:</b> Administration vendor is not yet selected or fully integrated; protocols for new delivery modes in the future would need development. | <b>Risk:</b> None identified. | <b>Risk:</b> Staff unfamiliar with the back end of the platform to manage examinees both before and during the exam.<br><br><b>Risk:</b> Long-term State Bar proctors will need training to learn the new ways of proctoring the exam. |

#### **HAVE THE OPTIONS DEMONSTRATED EFFICACY UNDER SIMILAR TESTING CONDITIONS (9.6(b)(6))**

The evaluation envisioned by this criterion may be more appropriate, for example, for a change from an in-person to a remote administration. The NextGen UBE is a new exam that will have its first administration at the end of July 2026. In January 2026, NCBE conducted a beta test in four jurisdictions, testing 1,500 examinees. The administration went smoothly, with minimal technical issues reported. Fewer than 3 percent of examinees had technical issues that required replacement of their personal laptop with a vendor-provided laptop on the first day of the exam; 1.6 percent required replacement on the second day of the exam.<sup>25</sup> In each instance, examinees were able to resume testing and complete exam sections successfully without loss of responses.

On March 11, 2026, NCBE published [NextGen UBE Beta Test: Report on End-to-End Ecosystem Performance](#). The report notes that “[a]cross the full exam lifecycle—including candidate readiness, exam delivery, response capture, grading workflows, and score reporting—core systems and operational processes functioned as designed. The Jurisdiction Portal, Candidate Portal, ITS Exam Day Portal, and secure delivery platform supported coordinated administration, real-time monitoring, and successful capture and transmission of examinee responses. Backup device workflows, response preservation mechanisms, and escalation protocols functioned

---

<sup>25</sup> Through the July 2028 administration, NCBE will provide 10 backup laptops for every 100 examinees (10 percent). For the beta test, NCBE replaced laptops for user issues that may not warrant a replacement should they occur during the exam. For example, NCBE replaced laptops if the examinee dropped the laptop or did not bring a power supply, and other issues completely unrelated to the performance of the platform.

effectively when isolated disruptions occurred, allowing examinees to continue testing without loss of responses.” Key findings and conclusions reported include:

- Examinees reported that the exam platform felt intuitive and easy to use and described the assessment as practical, professionally relevant, and reflective of legal reasoning and task-based judgment.
- The Candidate Portal supported candidate awareness, reduced uncertainty prior to test day, and contributed to a structured and predictable readiness experience.
- There were no system-level technical failures that interfered with exam delivery. No examinee was unable to complete testing due to platform instability or delivery failure.
- All accommodations capabilities functioned as intended and were very well received by examinees.
- Exam delivery systems successfully captured and transmitted examinee responses throughout the beta administration, even when offline. All data were uploaded successfully.
- 88.2 percent of graders stated that the scoring guide materials were adequate to support scoring, and 84.3 percent indicated that the training set prepared them to apply scoring criteria effectively. Additionally, 82.4 percent rated the rubric as highly helpful, and 81.4 percent reported that grading notes and benchmark responses were highly helpful in supporting consistent application of scoring standards. With respect to calibration, 72.5 percent of graders reported that ongoing calibration activities were sufficient to help maintain alignment with scoring expectations.
- Examinees described the NextGen UBE beta as a modern testing experience that felt usable, professionally relevant, and easier to navigate than many high-stakes exam environments. Overall sentiment was strongly positive. Approximately 76 percent of examinees rated their experience as very good or excellent, while only a small percentage reported a negative experience.
- Many examinees emphasized that the exam rewarded applied reasoning and task-based judgment rather than memorization, and that it felt closer to professional work than traditional formats.
- More than 92 percent of examinees reported that the platform was intuitive and easy to use, and more than 94 percent reported that exam materials were comfortable and easy to read. Examinees frequently described the platform as stable, clear, and responsive.
- Many noted that organization and interface design improved efficiency and reduced friction under timed conditions.
- Multiple-choice items were generally perceived as clear and aligned with applied legal reasoning. Examinees frequently noted that questions required analysis rather than rote recall and that the difficulty felt appropriate to a licensing exam context.
- Drafting and counseling question sets—also referred to as the integrated question sets—were consistently described as relevant to entry-level practice because they required examinees to apply legal knowledge in context and communicate clearly.
- Examinees generally perceived the content as rigorous, relevant, and aligned with expectations of professional legal practice. Approximately 70 percent agreed that the exam fairly assessed minimum competence, indicating broad examinee confidence in

the exam's purpose and content design.

The beta test also successfully demonstrated the streamlining of exam administration procedures and the reduced need for proctors in both the workroom and on the floor.

With respect to the efficacy of Option 1, Use of Kaplan, there was criticism of the content of the questions developed by Kaplan as part of the study guide and the items administered. There was also concern expressed as to the rigor of the content validation process administered by the State Bar and the lack of subject matter expert review. Although the content of items as administered are rarely without criticism, the State Bar did conclude that some of the criticism of the faculty and student guide was warranted. Significantly more rigor has been added to the content validation panel processes, beginning with the processes for determining eligibility and recruiting quality participants. A new subject matter expert process was added. However, these processes have not yet been tested.

#### **EFFICIENCY AND COST ANALYSIS REQUIRED UNDER BUSINESS AND PROFESSIONS CODE SECTION 6046.2**

Pursuant to statute, the State Bar is required to report to the Board, the Chief Justice of California, and the Assembly and Senate Committees on Judiciary regarding whether adopting a uniform bar exam, such as the NextGen UBE, would improve administrative efficiency and reduce costs for both the State Bar and examinees.

This report's Evaluation of Risks and Benefits section provides the information necessary to compare the efficiency and cost implications of the two options currently under consideration: use of Kaplan and adoption of the NextGen UBE.

Adopting the NextGen UBE offers greater operational efficiency for the State Bar. Under this model, NCBE assumes significant responsibilities, including exam content development, fairness and bias review, provision of sample items, and technical support during administration. This reduces the State Bar's internal workload and mitigates risks associated with managing multiple contractors and vendors. Adopting the NextGen UBE results in a more efficient exam administration, with the significant reduction in the printing, packing, and delivery of materials to exam sites; the reduction in hours of testing; and the reduction in proctor requirements.

Table 9 shows that both options would provide cost reductions to the State Bar compared to the current exam development and administration approach, although adopting the NextGen UBE would result in a greater cost reduction.

Adoption of NextGen UBE would allow the State Bar to avoid substantial costs related to item development and validation. Similarly, the State Bar would no longer contract for exam administration software (currently, \$75 per examinee). However, that amount is offset by the increased licensing fee: The current costs for the MBE and the exam administration software (\$147 per examinee, assessed to the State Bar) is nearly identical to the fees the State Bar would pay to NCBE for the NextGen UBE for the July 2028 administration (\$145 per examinee). The State Bar would have a significant reduction in proctor costs with the NextGen UBE.

- Workroom proctors currently make up 17 percent of proctors at a July administration and about 9 percent of proctors at a February administration. The vast majority of these proctors could be eliminated with the NextGen UBE's computer-based administration.
- The State Bar currently employs a 1:30 proctor-to-examinee ratio for floor proctors in standard test sites. NCBE allows a 1:50 proctor-to-examinee ratio. NCBE anticipates a significant reduction in that ratio following July 2028 (allowing more examinees per proctor), in light of the reduction of responsibilities on floor proctors with the computer-based exam, further reducing the number of proctors required. Approximately 73 percent of proctors for the July 2025 and February 2026 administrations were floor proctors.

Taken together, these two factors would allow the State Bar to streamline proctor recruitment and reduce proctor costs significantly. Costs for floor proctors would be reduced by 40 percent by just implementing the change in ratios, without adjusting for the reduced hours of testing and the reduced setup and breakdown required for a computer-based exam. That 40 percent reduction equates to a savings of nearly \$750,000 using the same costs and examinee numbers from the July 2025 and February 2026 administrations. A reduction in workroom proctors would conservatively result in additional savings of \$180,000. The result is a reduction in proctor costs of more than 36 percent.

Use of Kaplan theoretically provides the State Bar with flexibility to pursue cost-lowering measures for examinees, including reducing travel costs and offering more frequent exam administrations to minimize lost opportunity costs. These benefits, however, come with operational workload, heightened risk for exam delivery and reputational risk for the State Bar, and the need for robust vendor management to prevent costly failures. However, as noted elsewhere in this analysis, staff does not anticipate and this analysis does not assume the ability to deliver a remote exam or test center-based exam during the time this option to defer a decision would be in place. Use of Kaplan, however, does allow the State Bar to push the dates of the exam, perhaps making access to some test sites easier and less expensive.

Adoption of the NextGen UBE would result in limited ability to implement cost-reduction strategies, such as moving the dates of the exam to a time that is less costly, or implement those options less likely to be feasible in the immediate future, such as remote administration or administration at small test centers. Although the latter could reduce travel and related expenses for examinees, the State Bar is unable to project at this time when such innovations would be able to be effectively implemented.

## CONCLUSION

This report demonstrates that each option presents distinct advantages and trade-offs. The Use of Kaplan option maximizes autonomy, allowing the State Bar to retain control over policies related to exam design and administration to meet California-specific objectives. However, it also requires substantial internal development, staffing, and the assumption of significant operational risks.

In contrast, the Adopt NextGen UBE option emphasizes alignment with national testing practices and reliance on an established professional testing provider. This model reduces operational complexity, enhances efficiency, and significantly reduces risks. At the same time, it limits the State Bar's flexibility to independently modify the exam content, development, and administration.

Therefore, the choice between these options reflects a policy determination regarding the appropriate balance among several considerations, including policy autonomy, national alignment, operational efficiency, acceptable levels of implementation risk, an assessment of the capacity of the State Bar to implement its own exam, and overall cost.

Recognizing that both options present meaningful benefits and trade-offs, and acknowledging that the ultimate policy decision rests with the Board, the CBE, and the Court, this report does not make a formal recommendation as to which option should be adopted. However, based on the analyses presented in this report, and the requirement that the State Bar evaluate the risks, benefits, costs, and impact on efficiency of each option, the Adopt NextGen UBE option emerges overall as the lower-risk, lower-cost, and more operationally efficient approach for administering the bar exam beginning in 2028.

Because adoption of the NextGen UBE requires acceptance of policy constraints associated with a nationally administered exam, decision-makers and stakeholders may differ in their views regarding the long-term benefits of the Use of Kaplan option, particularly given the degree of control it provides over exam design and administration. The ultimate determination, therefore, remains a policy judgment for decision-makers weighing their own assessment of the benefits against the risks, costs, and efficiency considerations.

## APPENDIX A: ASSESSMENT LIFE CYCLE FOR THE TWO EXAM OPTIONS

Tables A-1 and A-2 provide additional context for this analysis by examining key information known about the content and delivery of each of the options identified by the Board and the CBE. The tables explore information about the exam options across two separate components of the assessment life cycle: assessment development and assessment administration.

The following terms define the specific elements within these phases, which are set forth in tables A-1 and A-2.

### ASSESSMENT DEVELOPMENT

- **Assessment Content:** The inputs determining test coverage. It is assumed to rely on a Practice Analysis and an Assessment Blueprint to achieve content validity.
- **Content Creation:** The process of Item Development and Item Review, defined as the rigorous drafting and refining of items to ensure they are unambiguous, legally accurate, free from bias, and are appropriately crafted to test for minimum competence.
- **Psychometric Support for Assessment Development:** The statistical processes and procedures required to ensure fairness, including Pre-Testing (evaluating items), Form Assembly (building balanced tests), Form Equating (ensuring difficulty consistency), Standard Setting (determine a pass line that is aligned with the expected KSAs of exam takers), and Technical Documentation (summarizing the statistical processes and procedures followed).
- **Management:** The role that State Bar staff plays in ensuring that the assessment development process is executed properly and on time, and that process documentation is created resulting in continuous improvement. This includes Coordination and Management of Work and Timelines (facilitation among staff, consultants, and vendors) and Documentation of Processes (collecting and synthesizing data from across the assessment development life cycle to gain insights).

### ASSESSMENT ADMINISTRATION

- **Mode of Administration:** The delivery format (e.g., traditional in-person, remote proctoring, or hybrid). This factor is a primary driver of accessibility and cost.
- **Administration Technology:** The software and hardware ecosystem required for secure delivery, including technology requirement for examinees and vendor platform stability.
- **Scoring and Reporting:** The post-administration calculation of scores and dissemination of results, requiring ongoing psychometric oversight.

**Table A-1. Information Known Regarding Use of Kaplan**

| Phase                         | Factors            |                      | Information Known                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------|--------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Assessment Development</b> | Assessment Content | Practice Analysis    | The Kaplan test is based on doctrinal and skills areas currently measured on the current bar exam (MBE). It is not based on a California-specific practice analysis.                                                                                                                                                                                                                                                                                                                                                          |
|                               |                    | Assessment Blueprint | MCQs, essays, and performance tests (PTs) aligned with current content maps for each exam component to meet test-level requirements.                                                                                                                                                                                                                                                                                                                                                                                          |
|                               | Content Creation   | Item Development     | All MCQs drafted by Kaplan.<br><br>Essays and PTs drafted by Kaplan or, for items already in the item bank, drafted by law school faculty or the State Bar's PT Drafting Team.                                                                                                                                                                                                                                                                                                                                                |
|                               |                    | Item Review          | Content and bias review of MCQs and essays conducted by content validation panelists and subject matter experts recruited under the policy adopted by the Court; panelists and subject matter experts are licensees, law school faculty, and judges and justices.<br><br>Essays to undergo further review by the State Bar's Examination Development and Grading (EDG) Team; for PTs, content validation will be conducted by PT Drafting Team.<br><br>Review of items after administration based on statistical performance. |
|                               | Assessment Type    |                      | High-stakes exam comprises MCQs, essays, and PTs.<br><br>Following approval by the Court and public notice, option to determine the number of items of each type or to modify the exam in the future.                                                                                                                                                                                                                                                                                                                         |

|  |                      |                                                   |                                                                                                                                                                                                                                                                                                                                                |
|--|----------------------|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Psychometric Support | Pre-Testing                                       | Operational plan established in which a number of MCQs are pre-tested on each administered exam form (as opposed to advance pre-testing) based on psychometric guidelines. Pre-testing of essays and PTs performed by graders.                                                                                                                 |
|  |                      | Item Selection                                    | Managed by the State Bar to meet blueprint (which, in addition to the content map, includes equating requirements, item performance requirements, and what to pre-test).                                                                                                                                                                       |
|  |                      | Form Assembly                                     | Managed by the State Bar to meet blueprint.                                                                                                                                                                                                                                                                                                    |
|  |                      | Form Equating                                     | Exam equating conducted by psychometric contractor.                                                                                                                                                                                                                                                                                            |
|  |                      | Standard Setting                                  | Analysis of the validity of the bar exam and its passing score must be conducted by the CBE at least once every seven years under California Rules of Court, rule 9.6(c).                                                                                                                                                                      |
|  |                      | Technical Documentation                           | Scaling and equating report from psychometric contractor.                                                                                                                                                                                                                                                                                      |
|  | Development Timeline |                                                   | <p>Item development occurring through January 2029 under contract with Kaplan.</p> <p>Item review to occur between 2026 and 2028 ahead of first administration; ongoing item review conducted after that.</p> <p>Pre-testing to occur starting with the first administration in 2028.</p> <p>Assessment blueprint tasks already completed.</p> |
|  | Management           | Coordination and Management of Work and Timelines | Led by Office of Admissions Director of Examination Development.                                                                                                                                                                                                                                                                               |

|                                  |                           |                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------|---------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                  |                           |                                                        | Workflows and timelines established by State Bar policy, coordination with contractors, contractual obligations with vendors, and psychometric best practices.                                                                                                                                                                                                                                                  |
|                                  |                           | Documentation of Processes                             | Occurs for each exam administration and includes information on item development and banking, equating, passing rates, and recommendations.                                                                                                                                                                                                                                                                     |
| <b>Assessment Administration</b> | Mode of Administration    |                                                        | <p>In-person at large venues determined by the State Bar.</p> <p>Essay and PT items printed in hardcopy with responses captured on computer; option to deliver MCQs and capture responses using printed hardcopy materials or computer.</p>                                                                                                                                                                     |
|                                  | Administration Time       |                                                        | Twice per year; two days for general applicants and one day for attorney applicants for standard administration. Option to explore change in dates of exam administration.                                                                                                                                                                                                                                      |
|                                  | Administration Technology | Software and Hardware Requirements for Secure Delivery | <p>Exam vendor selected following a formal Request for Proposals using business requirements and an established assessment rubric.</p> <p>The State Bar has ultimate responsibility for vendor selection, platform performance and stability, and user interface and experience.</p> <p>The State Bar facilitates sharing examinee data with vendor; no additional software or hardware required for staff.</p> |
|                                  |                           | Examinee Technology Requirements                       | Access to a laptop computer that meets minimum system requirements of software and Internet connectivity before and after the exam, as determined by vendor. (Possibility for higher system requirements or Internet connectivity                                                                                                                                                                               |

|                      |                                                   |                                                                                                                                                                                                                                                    |
|----------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      |                                                   | <p>throughout the exam based on vendor and decisions about exam delivery.)</p> <p>Examinees must download and take the mock exam to ensure familiarity with the platform and that the laptop meets requirements prior to sitting for the exam.</p> |
| Psychometric Support | Scoring                                           | Platform for grading; monitoring graders for reliability, compilation of statistics by item.                                                                                                                                                       |
|                      | Reporting                                         | Rescores, irregularity analysis, reconsideration policy.                                                                                                                                                                                           |
|                      | Technical Documentation                           | Requirement: Includes information about exam administration incidents, recommendations for improvement.                                                                                                                                            |
| Management           | Coordination and Management of Work and Timelines | <p>Led by Office of Admissions Director of Admissions Operations.</p> <p>Workflows and timelines established by State Bar policy, coordination with contractors, contractual obligations with vendors, and psychometric best practices.</p>        |
|                      | Documentation of Processes                        | Proctor manual, incident reporting, recommendations for process improvement.                                                                                                                                                                       |

**Table A-2. Information Known Regarding Adoption of NextGen UBE**

| Phase                         | Factors              |                      | Information Known                                                                                                                                                                                                                                                                                                                        |
|-------------------------------|----------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Assessment Development</b> | Assessment Content   | Practice Analysis    | Based on a national practice analysis conducted by NCBE. Substantial though not complete alignment with the content areas identified by the Court.                                                                                                                                                                                       |
|                               |                      | Assessment Blueprint | Doctrinal areas and skills linked to national practice analysis.                                                                                                                                                                                                                                                                         |
|                               | Content Development  | Item Development     | NCBE develops MCQs, integrated item sets, and PTs.                                                                                                                                                                                                                                                                                       |
|                               |                      | Item Review          | Items reviewed prior to administration.<br><br>Historically, NCBE uses outside content experts as well as test editors familiar with writing content.                                                                                                                                                                                    |
|                               | Assessment Type      |                      | High-stakes exam comprises MCQs, PTs, and integrated item sets.                                                                                                                                                                                                                                                                          |
|                               | Psychometric Support | Pre-Testing          | NCBE conducted a Field Test featuring law students and recent graduates to generate preliminary item and test performance data; it also held a 1.5 day Prototype Exam in 32 jurisdictions to collect performance data and help jurisdictions set passing scores.<br><br>Pre-test items will also be embedded in administered test forms. |
|                               |                      | Item Selection       | NCBE managed.                                                                                                                                                                                                                                                                                                                            |
|                               |                      | Form Assembly        | NCBE managed.                                                                                                                                                                                                                                                                                                                            |
|                               |                      | Form Equating        | NCBE managed.                                                                                                                                                                                                                                                                                                                            |
|                               |                      | Standard Setting     | Support jurisdictions' standard setting study to recommend a range of passing scores; data used to                                                                                                                                                                                                                                       |

|                                  |                           |                                                        |                                                                                                                                                                                                                                                                            |
|----------------------------------|---------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                  |                           |                                                        | support jurisdictions in determining their passing score on the new scale.                                                                                                                                                                                                 |
|                                  |                           | Technical Documentation                                | Internal documentation and performance data controlled by NCBE.                                                                                                                                                                                                            |
|                                  | Development Timeline      |                                                        | Formal development began in 2021 with content scope outlines published and pilot testing in 2022, sample items published in 2023, and Field Test and Prototype Exam occurring in 2024 ahead of first administration in July 2026.                                          |
|                                  | Management                | Coordination and Management of Work and Timelines      | NCBE managed.                                                                                                                                                                                                                                                              |
|                                  |                           | Documentation of Processes                             | Some information available to the public; detailed internal process documentation not available.                                                                                                                                                                           |
| <b>Assessment Administration</b> | Mode of Administration    |                                                        | Computer-based administration; in-person at large venues determined by the State Bar.<br><br>Items delivered and responded to using a computer; no printed hardcopy materials for standard administration.                                                                 |
|                                  | Administration Time       |                                                        | Twice a year, 1.5 days for standard administration.                                                                                                                                                                                                                        |
|                                  | Administration Technology | Software and Hardware Requirements for Secure Delivery | NCBE manages computer-based exam software, examinee registration portal, and platform for administrators and graders.<br><br>The State Bar is responsible for ensuring that venues have stable Internet connectivity, which will require renting hardware for some venues. |

|  |                      |                                  |                                                                                                                                                                                                                                                                                                                                 |
|--|----------------------|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |                      | Examinee Technology Requirements | Access to a laptop computer that meets minimum system requirements of software and Internet connectivity before and during the exam, as determined by NCBE.<br><br>Examinees must download and take the mock exam to ensure familiarity with the platform and that the laptop meets requirements prior to sitting for the exam. |
|  | Psychometric Support | Scoring                          | NCBE managed.                                                                                                                                                                                                                                                                                                                   |
|  |                      | Reporting                        | Pass rates by jurisdiction will be available.                                                                                                                                                                                                                                                                                   |
|  |                      | Technical Documentation          | NCBE managed.                                                                                                                                                                                                                                                                                                                   |

## APPENDIX B: ANALYSIS OF STAKEHOLDER FEEDBACK ON THE FUTURE CALIFORNIA BAR EXAM

### PUBLIC COMMENT

Prior to each CBE and Board meeting, as well as the joint meetings with the CBE and the Board, written public comment is solicited, and the public is also invited to provide their comment verbally at the outset of each meeting. Between the August 14, 2025, and March 13, 2026, meetings, the following public comment centered on several major themes regarding the future of the bar exam:<sup>26</sup>

**1. The Future Format of the Bar Exam: NextGen vs. California-Specific:** A primary debate in the comments is whether California should adopt NCBE’s NextGen UBE or continue developing its own state-specific exam.

- **Need to Test California-Specific Law:** A coalition of 63 bar associations, led by the Los Angeles County Bar Association (LACBA), expressed strong opposition to adoption of the NextGen UBE without a California component, arguing that the NextGen UBE will not adequately test California-specific law, such as Community Property, which would have downstream effects on law schools and content covered that is relevant in the state.
- **No Need to Rush a Decision:** That coalition of bar associations also argues that it is imprudent and unnecessary to make a long-term decision now. They note more time is needed to determine review data once NextGen is operational; a long-term decision can be made at that time.
- **Need to Test Essays:** Some critics object to the elimination of essay questions as a tool to assess minimum competence.
- **Financial Arguments:** Opponents introduced specific financial warnings in March, estimating that adopting NextGen will cost the State Bar an additional \$15 million to \$20 million in licensing fees over five years (roughly \$300 extra per examinee). They argue that the State Bar, currently running a deficit, cannot afford this—nor can it afford the early termination fees required to break its contract with Kaplan.
- **Technology Arguments:** Critics highlighted that NextGen’s January 2026 beta testing yielded a 2–3 percent laptop failure rate. They contrast this with the State Bar’s own First-Year Law Students’ Exam, which achieved a lower 2 percent issue rate using Prometric. They argue that NextGen’s unproven technology is a liability.
- **Support for a California Hybrid/Nevada Model:** Some legal professionals advocated for a California-developed exam or a hybrid “Nevada Plan.” This format could reduce the

---

<sup>26</sup> The comment summaries represent the views of the commenters. Even where clearly inaccurate, they are not corrected.

MCQs to 100 questions, retain the essay portion to test California subjects and skills, and expand the performance test.

- **Support for NextGen:** Conversely, a group of deans from ABA-accredited California law schools submitted a letter urging the adoption of the NextGen UBE in 2028. They argued that it aligns with the Court’s mandate to assess skills, is substantially aligned with the content areas the Court directed for inclusion, leverages NCBE’s expertise, provides score portability across states for graduates, and avoids the logistical disasters of California trying to develop an exam on its own.

## **2. Demand for Remote Testing and Accommodations**

- Individual examinees and a coalition of five disability rights organizations are united in demanding the retention of a remote testing option. They argue that mandatory in-person testing, which NCBE requires, creates physical and psychological barriers for neurodivergent examinees and those with mobility or autoimmune disorders, noting that in-person testing does not provide them with equal access to the exam as it does for those without such disabilities.
- Examinees provided anecdotes to underscore the need for remote options. One examinee described a test center that she found to be unreasonably cold, with insufficient restroom stalls, no safe storage for expensive cell phones, and no seating during breaks other than concrete or grass.
- Commenters posited that remote testing is significantly cheaper for examinees (saving on travel and lodging) and saves the State Bar millions of dollars in physical venue rental costs.
- To solve the bandwidth and crashing issues that occurred during the February 2025 remote exam, commenters proposed transitioning to an “Air-Gapped” remote model. This would use offline, encrypted software to lock down the examinee’s computer without requiring an active, live video Internet connection, uploading the files only upon completion.

## **3. Opposition to Exam Fee Increases**

- Dozens of law students and bar examinees submitted comments pleading with the Board and the CBE to reject any proposals that would increase examinee testing fees.
- Examinees highlight the financial distress they already face due to law school debt, bar preparation courses, and existing exam fees. They warn that further fee increases would act as an artificial barrier to entry into the legal profession, particularly for low-income and diverse candidates.

## **4. Alternative Licensing Proposals**

- **Earlier Return to Kaplan MCQs:** Supporters of a California-specific exam urge the Board to petition the Court to invoke its plenary authority over attorney admissions to waive

the statutory notice period and return to the Kaplan-developed MCQs earlier than the proposed 2028 date.

- **Fully Multiple-Choice/On-Demand Exam:** One commenter proposed an “air-gapped,” fully multiple-choice, on-demand remote exam to eliminate the costs and subjectivity of grading essays and bypass the technical vulnerabilities associated with remote, live video proctoring.
- **Diploma Privilege:** A few comments urged the State Bar to reinstate diploma privilege for graduates of California-accredited schools. This would allow them to practice without taking the bar exam, similar to the model currently used in Wisconsin.

## STAKEHOLDER SURVEYS

To assist the Board and the CBE as they considered several options to evaluate and recommend to the Court, and to understand what they felt were important considerations, the State Bar surveyed law school deans in California, California-licensed attorneys, and current and prospective examinees.<sup>27</sup>

Survey response rates for these groups were:

- Deans of California law schools
  - ABA: 94 percent (17 out of 18)
  - CALS: 94 percent (15 out of 16)
  - Unaccredited: 88 percent (7 out of 8)
- Current licensees: 5 percent (12,123 out of 257,347)
- Current and prospective examinees: 6 percent (1,652 out of 28,594)<sup>28</sup>

## Factors Influencing Option Selection

This summary provides an overview of the factors that respondents rated as important. There were 11 factors that were included on all three surveys. Respondents were asked: “How important is each of the following factors for the Board and the CBE to consider in developing the bar exam of the future?”

Portability of exam score  
Use of professional test developers  
Assessment of California law and competence

---

<sup>27</sup> As noted in the main body of the report, members of the Board and the CBE were also surveyed. Those surveys, however, represented only the preliminary thinking of individual survey respondents and were conducted for the purpose of organizing the discussion at the January 2026 joint meeting. The respondents were encouraged to answer, noting the likelihood that their viewpoints would change following a robust discussion with their colleagues.

<sup>28</sup> Denominators used for the calculation of response rates reflects the number of surveys delivered via email (excludes “bounce backs”).

Frequency of administration  
 Remote administration  
 Small-site administration  
 Flexible scheduling  
 Innovative test design  
 Alignment with most U.S. bar jurisdictions  
 Long-term continuity  
 Focus on applied skills

Table B-1 provides the percentage of respondents for each of the stakeholder groups who rated the factor as important or very important. Current licensees comprise the vast majority of respondents; the total percentages for the total are influenced by their ratings.

**Table B-1. Percentage of Survey Respondents Rating Factors as Important or Very Important**

| Factor                                            | Deans<br>(n=39) <sup>1</sup> | Licensees<br>(n=12,022) <sup>2</sup> | Examinees<br>(n=1,640) <sup>2</sup> | Total<br>(n=13,701) <sup>2</sup> |
|---------------------------------------------------|------------------------------|--------------------------------------|-------------------------------------|----------------------------------|
| <b>Alignment with U.S. jurisdictions</b>          | 72%                          | 65%                                  | 83%                                 | 67%                              |
| <b>Assessment of California law</b>               | 62%                          | 86%                                  | 61%                                 | 83%                              |
| <b>Exam score portability</b>                     | 67%                          | 57%                                  | 83%                                 | 61%                              |
| <b>Flexibility in scheduling</b>                  | 41%                          | 30%                                  | 38%                                 | 31%                              |
| <b>Focus on applied skills</b>                    | 72%                          | 71%                                  | 78%                                 | 72%                              |
| <b>Frequency of administrations</b>               | 28%                          | 24%                                  | 72%                                 | 30%                              |
| <b>Innovation in test design</b>                  | 18%                          | 14%                                  | 42%                                 | 17%                              |
| <b>Long-term continuity</b>                       | 82%                          | 69%                                  | 74%                                 | 70%                              |
| <b>Remote administration</b>                      | 31%                          | 13%                                  | 59%                                 | 18%                              |
| <b>Small-site administration</b>                  | 21%                          | 14%                                  | 48%                                 | 18%                              |
| <b>Use of professional test developers</b>        | 82%                          | 52%                                  | 57%                                 | 52%                              |
| <b>Access considerations<sup>3</sup></b>          | —                            | 40%                                  | 68%                                 | 43%                              |
| <b>Cost considerations<sup>3</sup></b>            | —                            | 41%                                  | 80%                                 | 45%                              |
| <b>Cost and access considerations<sup>3</sup></b> | 69%                          | —                                    | —                                   | —                                |

<sup>1</sup> All deans responded to all questions.

<sup>2</sup> Licensees and examinees did not respond to all questions. The counts shown here reflect the number of licensees and examinees who responded to at least one question.

<sup>3</sup> Deans were asked a combined question about cost and access; licensees and examinees were asked separate questions.

## Preferred Exam Options

To present an increasing level of granularity and help focus with greater precision on the options that the Board and the CBE might consider, the number and description of exam options were modified slightly over time. The following crosswalk identifies where the options presented diverged.

Law school deans were presented with seven options for the future composition of the bar exam, and eight options were presented to examinees and licensees.

**Table B-2. Exam Options Identified for Survey Respondents**

| Language of Survey Administered to Law School Deans                                                                                                                                                                                                                                             | Language of Survey Administered to Licensees and Prospective Examinees |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Develop a new California bar exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5+ year development timeline), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance test (PT). | Same                                                                   |
| Develop a new California bar exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5+ year development timeline), use the NCBE's NextGen UBE and add a California-specific component.                                      | Same                                                                   |
| Develop a new California bar exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5+ year development timeline), use the NCBE's NextGen UBE without adding a California-specific component.                               | Same                                                                   |

| Language of Survey Administered to Law School Deans                                                                                                                                                                      | Language of Survey Administered to Licensees and Prospective Examinees                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Develop a new but streamlined California bar exam similar to the approach adopted by Nevada. The exam would be limited to MCQs and PTs and is intended to be ready for administration in July 2028.                      | Develop a new but streamlined California bar exam similar to the approach adopted by Nevada, which is limited to MCQs and PTs and is intended to be ready for administration in July 2028.                                                                                             |
| Develop a new but streamlined California bar exam outlined [as the Nevada model] but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling). | Develop a new but streamlined California bar exam similar to the approach adopted by Nevada but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).                                                    |
| N/A                                                                                                                                                                                                                      | Develop a new but streamlined California bar exam similar to the approach adopted by Nevada; until that exam is ready to administer (e.g., if new subject matters are added that cannot be ready to test by July 2028), return to using the Kaplan MCQs and California essays and PTs. |
| Adopt the NCBE's NextGen UBE and add a California-specific component.                                                                                                                                                    | Same                                                                                                                                                                                                                                                                                   |
| Adopt the NCBE's NextGen UBE without adding a California-specific component.                                                                                                                                             | Same                                                                                                                                                                                                                                                                                   |

Table B-3 reflects the percent of each survey group that ranked each option as their highest or second-highest preference.

**Table B-3. Highest Ranked Exam Option, by Survey Respondent Category**

| Exam Option                                      | ABA | CALS | Unac-credited | Current Licensees | Current and Prospective Examinees |
|--------------------------------------------------|-----|------|---------------|-------------------|-----------------------------------|
| New exam, Kaplan as bridge                       | 18% | 20%  | 29%           | 53%               | 17%                               |
| New exam, NextGen with CA component as bridge    | 6%  | 20%  | 14%           | 53%               | 19%                               |
| New exam, NextGen without CA component as bridge | 12% | 13%  | 0%            | 17%               | 21%                               |
| New streamlined exam (MCQs and PT)               | 12% | 33%  | 43%           | 8%                | 31%                               |
| New streamlined exam with test for client skills | 12% | 40%  | 29%           | 8%                | 23%                               |
| New streamlined exam, Kaplan as a bridge         |     |      |               | 11%               | 10%                               |
| NextGen with CA component                        | 71% | 47%  | 43%           | 28%               | 35%                               |
| NextGen without CA component                     | 71% | 27%  | 43%           | 12%               | 38%                               |

Table B-4 reflects the percent of each survey group that ranked each option as their lowest or second-lowest preference.

**Table B-4. Lowest Ranked Exam Option, by Survey Respondent Category**

| Exam Option                                      | ABA | CALS | Unaccredited | Current Licensees | Current and Prospective Examinees |
|--------------------------------------------------|-----|------|--------------|-------------------|-----------------------------------|
| New exam, Kaplan as bridge                       | 71% | 53%  | 29%          | 15%               | 48%                               |
| New exam, NextGen with CA component as bridge    | 35% | 33%  | 29%          | 3%                | 13%                               |
| New exam, NextGen without CA component as bridge | 24% | 13%  | 29%          | 20%               | 21%                               |
| New streamlined exam (MCQs and PT)               | 29% | 20%  | 29%          | 23%               | 10%                               |
| New streamlined exam with test for client skills | 41% | 27%  | 14%          | 28%               | 17%                               |
| New streamlined exam, Kaplan as a bridge         |     |      |              | 21%               | 34%                               |
| NextGen with CA component                        | 0%  | 20%  | 29%          | 25%               | 24%                               |
| NextGen without CA component                     | 0%  | 33%  | 43%          | 55%               | 25%                               |

Most of the deans ranked adoption of the NextGen UBE as the choice for the new bar exam. They were fairly evenly split between whether or not to include a California-specific component.

There was little agreement between licensees and examinees, with variation in the ranking of the options. Licensees preferred a new California-developed exam with either Kaplan-developed questions or the NextGen UBE as a bridge (53 percent of the licensees responding ranked these options as one or two). In contrast, examinees preferred the NextGen UBE, with or without a California-specific component, similar to the results for the deans.

Licensees ranked the NextGen UBE without a California-specific component lowest (55 percent). Examinees' lowest ranked option was licensees' highest ranked—a new exam with Kaplan-developed questions as a bridge (48 percent).

In summary, the most important factors overall were assessment of California law; focus on applied skills; long-term continuity; alignment with U.S. jurisdictions; alignment with the knowledge, skills, and abilities required for entry-level practice in California (presented only to the deans); and exam score portability. Those factors were generally important to all three groups. Examinees rated administration factors—including frequency of administration, flexibility in scheduling, remote administration, and small-site administration—as more important than the other two groups did.<sup>29</sup>

---

<sup>29</sup> See the [detailed comparative analysis](#) presented at the January 2026 joint meeting of the Board and the CBE. For in-depth analyses of each survey, see: [law school deans](#), [licensees](#), and [prospective examinees](#).

## APPENDIX C: COMPARISON OF CONTENT AND SKILLS TESTED

The following tables identify the knowledge, skills, and abilities (KSAs) currently tested and to be tested on the NextGen UBE. The tables also include the content and skills that the Supreme Court's October 2024 order directed for the then-envisioned new California bar exam. The tables demonstrate significant alignment in the KSAs that were envisioned for a new California bar exam and those that will be tested by the NextGen UBE.

### CONTENT

| Current Exam                | New Exam (as originally directed by the Supreme Court) | NextGen UBE                                 |
|-----------------------------|--------------------------------------------------------|---------------------------------------------|
| Civil Procedure*            | Civil Procedure                                        | Civil Procedure                             |
| Constitutional Law*         | Constitutional Law                                     | Constitutional Law                          |
| Contracts*                  | Contracts                                              | Contracts                                   |
| Criminal Law and Procedure* | Criminal Law and Procedure                             | Criminal Law and Constitutional Protections |
| Evidence*                   | Evidence                                               | Evidence                                    |
| Real Property*              | Real Property                                          | Real Property                               |
| Torts*                      | Torts                                                  | Torts                                       |
| Community Property          | Family Law                                             | Family Law (starting 7/2028)                |
| Differences Begin Here      |                                                        |                                             |
| Business Associations       |                                                        | Business Associations                       |
|                             | Administrative Law and Procedure                       |                                             |
|                             | Employment Law                                         |                                             |
| Trusts                      |                                                        | Trusts and Estates (in skills questions)    |
| Wills and Succession        | Estate Planning, Trusts, and Probate                   | Trusts and Estates (in skills questions)    |
| Professional Responsibility | Professional Responsibility                            | Professional Responsibility                 |
| Remedies                    |                                                        |                                             |

### SKILLS AND ABILITIES

| New Exam (as originally directed by the Supreme Court) | NextGen UBE                        |
|--------------------------------------------------------|------------------------------------|
| Legal Drafting & Writing                               | Legal Writing                      |
| Research & Investigation                               | Legal Research                     |
|                                                        | Investigation & Evaluation         |
| Issue Spotting & Fact Gathering                        | Issue Spotting and Analysis        |
| Counseling & Advising                                  | Client Counseling & Advising       |
| Communication & Client Relationship                    | Client Relationship and Management |

|                                  |                                  |
|----------------------------------|----------------------------------|
| Negotiation & Dispute Resolution | Negotiation & Dispute Resolution |
| Litigation Skills                |                                  |

## APPENDIX D: IMPRESSIONS OF BETA TEST GRADERS

Although overall statistics from NCBE’s survey of beta graders were very positive, areas where there was room for improvement included the following:

- **Training:** California graders commented that the online self-guided training and the lack of interaction with NCBE made it a little difficult to get immediately comfortable with the platform, question types, and rubrics. NCBE informed us that for the actual exams, grader training would be live and more robust.
  - About six weeks before each exam, anyone who has not graded a NextGen UBE exam (not including beta) will take an online “New to NextGen” training. The training will walk the graders through the different question types. As part of that training, graders will be asked about the type of questions they prefer to grade. That information will be used to assign graders to questions to grade.
  - Once the exam is administered, there will be live (via Zoom) workshops going through each of the questions tested—including review of the scoring guide, rubric, grading notes, and exemplars of responses at each score point. Graders will be given training papers to practice on for the questions to which they are assigned.
- **Rubrics:** California graders and others commented on the rigidity of the scoring rubrics. They noted that with the current exam and grading structure, they can award points to examinees who clearly understand the issue being tested but may not use the proper terminology. The rubric felt as if the examinee needed to “use the magic words” to get credit. Other beta graders expressed similar concerns about the rubrics. As a result, the rubrics are being revised to be broader so there is more room for interpretation. The revisions will ensure that graders are grading on the application of the skills being tested and not memorization of the terminology.
- **Calibration/Adjudication:** NCBE tested two different grading approaches with beta to implement the requirement that every question be read/graded twice.
  - The first—the reconciliation approach—requires graders assigned to the same question to be grading at roughly the same pace. If the grades assigned to an examinees’ response are outside the set tolerance band, then the graders need to meet to reconcile their answers and come up with an agreed-upon grade. (If score differences are within the tolerance band, scores are averaged.) The processes and system functionality that would have kept graders at the same pace were not deployed for beta, and thus graders assigned to this approach experienced issues with pacing and allocation of the responses to grade.
  - The second—the team leader approach—would assign a team leader, who would grade a much smaller number of responses than others on the team but would

also have responsibility for determining the final grade if the two graders' scores fell outside the set tolerance band. (If score differences are within the tolerance band, scores are averaged.) This approach is more likely to make sense for a jurisdiction with the volume of examinees that California has.

- **Number of points available:** California graders were not used to the small number of score points available to be awarded: one or two points for some questions/responses and up to five points for others.
- **Content of the exam:** Several California graders expressed their dislike for the questions, feeling that essays were a better way to test minimum competence than the short answers they graded in the NextGen UBE. A few graders expressed their preference for testing the doctrinal law, noting that the skills should be learned once you begin practice. They were informed, however, that even under the Court's October 2024 order, the goal was an exam that focused more on skills than on memorization, and essays would not necessarily be a part of such an exam. Others noted that they didn't believe the format was a good way to test critical thinking skills.
- **What is lost?** California beta graders prefer California's current process of each grader developing their own essay or PT responses and having the team arrive at a consensus answer and how points will be awarded. They reported that the best part of grading is collaboration and debating back and forth to determine the best answer. That work was already done for the NextGen UBE, so the graders felt disconnected from the questions and answers. Some indicated that they would likely not continue as graders if the NextGen UBE is adopted.

## PROS AND CONS OF THREE FUTURE BAR EXAM OPTIONS

### OPTION ONE:

Effective February 2028, transition from Multistate Bar Exam (MBE) back to Kaplan developed multiple-choice questions (MCQs); continue with California essays and Performance Test (PT). This would be implemented as a bridge to the new bar exam ordered by the Supreme Court upon recommendation of the Blue Ribbon Commission, which has been estimated as a five-year development effort.

| Pros                                                                                                                      | Cons                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Consistent with direction ordered by the Supreme Court in October 2024.                                                   | State Bar staff are not professional test developers.                                     |
| Provides greatest flexibility in exam development and exam delivery.                                                      | Requires ongoing development efforts to have stable and sizable item banks.               |
| Allows for exam delivery multiple times per year.                                                                         | Development costs may range anywhere from \$2 million to \$10 million.                    |
| Allows for remote, in person at small test centers, or in person at large test centers.                                   | Resources required to develop exam are significant.                                       |
| Allows for more cost effective exam delivery.                                                                             | Resource requirements could impact ability to do other important admissions-related work. |
| Allows for innovative test design in the new California exam (e.g., simulations, gamified assessments).                   |                                                                                           |
| Allows for alignment with desires of test takers for remote exams or exams closer to home.                                |                                                                                           |
| Allows for possibility of re-taking only those portions of the exam for which the taker does not receive a passing score. |                                                                                           |

## OPTION TWO:

Effective February 2028, transition from the MBE and California essays and PT to the NextGen Uniform Bar Exam (UBE). The State Bar has the option to add a half day of California specific questions.

| Pros                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Cons                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Portability of exam passage for admission to other jurisdictions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Requires very costly in person bar exam administration at State Bar run venues.                                                |
| 45 other jurisdictions have adopted the NextGen UBE.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Exam administration extremely staff resource intensive; hindering the ability to respond to other needs.                       |
| NCBE has expertise in exam development, pre-testing, and psychometrics.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No flexibility to offer the exam more frequently.                                                                              |
| NextGen UBE has been several years in development; questions have been pre-tested and studied.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | No flexibility to offer the exam remotely should the appropriate technology be identified.                                     |
| Little to no ongoing exam development costs and resource implications for California.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | No flexibility to offer the exam at small third-party operated test centers (such as Prometric or Pearson Vue).                |
| <p>The Board and CBE received a letter from deans of 11 ABA-accredited law schools in CA, urging adopting of the NextGen UBE, arguing it is the best pathway for complying with the Supreme Court's October 10, 2024, order. As the letter points out:</p> <ul style="list-style-type: none"><li>• NextGen UBE subject matter coverage closely aligns with the subject matters ordered by the Court.</li><li>• NextGen UBE skills and abilities tested closely aligns with the skills and abilities ordered by the Court.</li><li>• The half day available for state specific testing could focus on the 2 subject areas and 1 skill not included in NextGen UBE.</li><li>• NextGen focuses heavily on skills and not rote memorization.</li></ul> | Will have incurred three years of costs under Kaplan contract and must pay termination penalty of \$712,000 for years 4 and 5. |

### OPTION THREE:

Effective February 2028, transition to a new bar exam, and not as a bridge to a future development effort. The possible structure would include:

- 100 multiple choice questions (to be developed by Kaplan or other vendors);
- 3 performance tests;
- Or other combination of elements as recommended by the Committee of Bar Examiners or the Board of Trustees.

| Pros                                                                                                                                                                                                                                             | Cons                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Simpler, more streamlined exam development process.                                                                                                                                                                                              | Kaplan contract covers costs for development of essays in addition to PTs and MCQ (although could renegotiate to develop more PTs instead of essays).     |
| Have strengthened State Bar processes for validating MCQs, including use of subject matter experts                                                                                                                                               | If need to expand the MCQs to cover 12 subject matters identified by the Supreme Court on October 10, 2024, order, will need to renegotiate with vendors. |
| Can use Kaplan and/or Performance Test Drafting Team to develop PTs.                                                                                                                                                                             | Will need to assess whether any MCQs are able to test the skills and abilities identified in the October 10, 2024, Supreme Court order.                   |
| Less costly exam development process than Option One.                                                                                                                                                                                            | PT may not be able to test all 7 skills and abilities identified in the October 10, 2024, Supreme Court order.                                            |
| Allows for exam delivery multiple times per year.                                                                                                                                                                                                |                                                                                                                                                           |
| Allows for remote, in person at small test centers, or in person at large test centers.                                                                                                                                                          |                                                                                                                                                           |
| Allows for more cost- effective exam delivery.                                                                                                                                                                                                   |                                                                                                                                                           |
| Allows for alignment with desires of test takers for remote exams or exams closer to home.                                                                                                                                                       |                                                                                                                                                           |
| Largely consistent with exam being developed by Nevada. Nevada Supreme Court inquired with State Bar's Supreme Court liaison whether there would be opportunities for California to partner with Nevada, potentially reducing development costs. |                                                                                                                                                           |

## ALIGNMENT OF FUTURE BAR EXAM OPTIONS WITH BOARD AND SUPREME COURT ADOPTED GUIDING PRINCIPLES

| <b>Guiding Principles</b><br>Adopted by the<br>Supreme Court<br>(Oct. 10, 2024)                                                                                                                            | <b>Guiding Principles</b><br>Adopted by the<br>Board (May 22,<br>2025)                            | <b>Option 1</b><br><b>Feb 2028 Bar Exam:</b><br>Return to Kaplan<br>MCQs and CA<br>Essays/PT as a<br>Bridge to New Bar<br>Exam | <b>Option 2</b><br><b>Feb 2028 Bar Exam:</b><br>Adopt the NextGen<br>UBE                                         | <b>Option 3</b><br><b>Feb 2028 Bar Exam:</b><br>Launch a new<br>California Bar Exam<br>(replacing the new<br>bar exam directed<br>by the Supreme<br>Court) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The design of the exam shall be fair, equitable, and minimize disparate performance impacts based on race, gender, ethnicity, disability, and other characteristics.                                       | Exam must be accessible, affordable, fair, and equitable for test takers.                         | Provides the opportunity for a more accessible and affordable exam for all test takers.                                        | By incorporating MCQs, short answer, and longer answer responses, should minimize disparate performance impacts. | Provides the opportunity for a more accessible and affordable exam for all test takers.*1                                                                  |
| Admission to the State Bar of California requires a demonstration of knowledge, skills, and abilities currently required for the entry-level practice of law, otherwise referred to as minimum competence. | Exam must appropriately assess for minimum competence to practice law in California.              | Yes – new exam will be designed to address minimum competence.                                                                 | Yes                                                                                                              | Yes                                                                                                                                                        |
| Fairness and equity of the examination, or examination alternative, should be an important consideration in developing the recommended                                                                     | Consider developing an exam that can be delivered on a more frequent basis than 2 times per year. | Yes                                                                                                                            | No                                                                                                               | Yes                                                                                                                                                        |

<sup>1</sup> A 2019 differential item functioning analysis of 10 years of CA State Bar essays and performance tests found that females performed better than males on essays and PT, after controlling for performance on the MBE, but the differential item functioning was negligible for most items. Both essays and PTs showed similar performance. With regard to race/ethnicity, for all items that showed a performance difference by race, white candidates performed better, although the proportion of items flagged for differential performance were relatively small. [See](#) the December 8, 2021, Subcommittee (of the BRC) on Pathway to Licensure Through a Licensing Exam, Panel Discussion on Differential Performance Based on Question Type, Exam Modality, Administration Settings and Closed/Open Book Options.

| Guiding Principles<br>Adopted by the<br>Supreme Court<br>(Oct. 10, 2024)                                                                                      | Guiding Principles<br>Adopted by the<br>Board (May 22,<br>2025)                                                                                                               | Option 1<br>Feb 2028 Bar Exam:<br>Return to Kaplan<br>MCQs and CA<br>Essays/PT as a<br>Bridge to New Bar<br>Exam                                                                                            | Option 2<br>Feb 2028 Bar Exam:<br>Adopt the NextGen<br>UBE                                                                                                                                      | Option 3<br>Feb 2028 Bar Exam:<br>Launch a new<br>California Bar Exam<br>(replacing the new<br>bar exam directed<br>by the Supreme<br>Court)                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| approach. Fairness and equity include but are not limited to cost and the mode and method of how the exam or exam alternative is delivered or made available. |                                                                                                                                                                               |                                                                                                                                                                                                             |                                                                                                                                                                                                 |                                                                                                                                                                                          |
|                                                                                                                                                               | Doing it right is more important than:<br>-Doing it fast<br>-Doing it cheap                                                                                                   | Yes - using a bridge to a new exam allows for the time to do it right.                                                                                                                                      | Yes – may be most costly way to deliver exam, but adopts test already adopted by 45 other jurisdictions and developed by professional test developers.                                          | Yes - allows more opportunity for getting it right.                                                                                                                                      |
|                                                                                                                                                               | Exam must be reliable and predictable.                                                                                                                                        | Yes – will be able to publish content maps and study guides (with more questions) with the 2-year notice; continues the exam in the same format applicants have been used to until a new exam is developed. | Yes – significant resources have been published about this exam; will be the same exam as administered in 45 other jurisdictions; developed with psychometricians for reliability and validity. | Yes – California has a long track record of drafting PTs; preliminary discussions with psychometrician indicated this structure would be meet requirements for reliability and validity. |
|                                                                                                                                                               | Minimizing risk:<br>-If changes are made, phase rollout, move with caution<br>-If changes are made, use proven technology, with appropriate testing and minimization of risk. | This guiding principle is more about implementation than exam selection.                                                                                                                                    | N/A (the exam would be administered in person; the NCBE has identified the testing platform that would be required to be used.)                                                                 | This guiding principle is more about implementation than exam selection.                                                                                                                 |
|                                                                                                                                                               | Lessons from the February 2025 bar exam must be                                                                                                                               | This guiding principle is more about                                                                                                                                                                        | Will not permit moving to remote, online exam.                                                                                                                                                  | This guiding principle is more about                                                                                                                                                     |

| <b>Guiding Principles</b><br>Adopted by the Supreme Court<br>(Oct. 10, 2024)                | <b>Guiding Principles</b><br>Adopted by the Board (May 22, 2025)                                                                                                                                                                                                                                                  | <b>Option 1</b><br><b>Feb 2028 Bar Exam:</b><br>Return to Kaplan MCQs and CA Essays/PT as a Bridge to New Bar Exam | <b>Option 2</b><br><b>Feb 2028 Bar Exam:</b><br>Adopt the NextGen UBE | <b>Option 3</b><br><b>Feb 2028 Bar Exam:</b><br>Launch a new California Bar Exam (replacing the new bar exam directed by the Supreme Court) |
|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                             | learned before moving to a remote, online exam.                                                                                                                                                                                                                                                                   | implementation than selection of exam.                                                                             |                                                                       | implementation than selection of exam.                                                                                                      |
|                                                                                             | Caution cannot trump innovation.                                                                                                                                                                                                                                                                                  | Yes – new exam creates the opportunity for innovative exam design and delivery.                                    | No                                                                    | Somewhat – allows for innovation in exam delivery, but perhaps not content.                                                                 |
|                                                                                             | Consider both remote and in-person options.                                                                                                                                                                                                                                                                       | Yes - allows for remote and in-person options.                                                                     | No – must be administered at in person, jurisdiction run test sites.  | Yes - allows for remote and in-person options.                                                                                              |
|                                                                                             | Improve work with stakeholders:<br>-Ensure greater transparency<br>-Ensure stakeholder perspectives are sought out and considered<br>-Partner with law schools to test exam administration platforms / approaches<br>-Strong collaboration between Board, CBE, and the Court<br>-Engage with legislative partners | Implementation issue.                                                                                              | Implementation issue.                                                 | Implementation issue.                                                                                                                       |
|                                                                                             | We can't rely on "business as usual" to drive the approach.                                                                                                                                                                                                                                                       | More about the selection process than the option selected.                                                         | More about the selection process than the option selected.            | More about the selection process than the option selected.                                                                                  |
| Admission to the State Bar of California requires minimum competence in professional ethics |                                                                                                                                                                                                                                                                                                                   | Yes – Professional Responsibility is one of the 12 subjects identified.                                            | Yes – can add professional responsibility to additional half day.     | Yes – can ensure professional ethics and responsibility are tested.                                                                         |

| Guiding Principles<br>Adopted by the<br>Supreme Court<br>(Oct. 10, 2024)                                                       | Guiding Principles<br>Adopted by the<br>Board (May 22,<br>2025) | Option 1<br>Feb 2028 Bar Exam:<br>Return to Kaplan<br>MCQs and CA<br>Essays/PT as a<br>Bridge to New Bar<br>Exam | Option 2<br>Feb 2028 Bar Exam:<br>Adopt the NextGen<br>UBE                                              | Option 3<br>Feb 2028 Bar Exam:<br>Launch a new<br>California Bar Exam<br>(replacing the new<br>bar exam directed<br>by the Supreme<br>Court) |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| and professional<br>responsibility.                                                                                            |                                                                 |                                                                                                                  |                                                                                                         |                                                                                                                                              |
| Criteria for<br>admission to the<br>State Bar of<br>California should be<br>designed to ensure<br>protection of the<br>public. |                                                                 | Yes                                                                                                              | Yes – adoption of<br>half day, state<br>specific exam would<br>be beneficial to<br>meet this principle. | Yes                                                                                                                                          |
| The recommended<br>examination, or<br>examination<br>alternative, should<br>be evidence-<br>based.                             |                                                                 | Unknown                                                                                                          | Yes                                                                                                     | Unknown                                                                                                                                      |

## Tangible and Intangible Benefits for the State Bar and Examinees (Excluding Costs)

| Benefit                                                 | Option 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Option 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Option 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Tangible &amp; intangible benefits for examinees</b> | <p>Allows for a flexible and creative approach to timing of when the exam is administered and frequency of the exam. The possibility of a more frequent exam gives examinees the ability to retest sooner (instead of waiting 6 months between exam cycles). It also benefits law students who graduate at different times of the year (more typical for CALS and unaccredited schools), or for attorneys from other jurisdictions who wish to take the California bar exam. By being offered on different dates than NextGen, it allows the possibility of sitting for more than one exam.</p> <p>Potential for bifurcated grading, allowing examinees to concentrate on one exam component at a time and re-taking only those portions of the exam for which the examinee does not receive a passing score.</p> | <p>Potential for score portability—providing California bar exam takers the ability to have their exam scores recognized in other 45 jurisdictions that have adopted NextGen such that they can be admitted in those other jurisdictions without sitting for another bar exam,</p> <p>NCBE’s use of professional test developers to design, develop, and pretest the exam, which helps ensure a high-quality product that is valid and reliable.</p> <p>NCBE has published content outlines that describe types of tasks that will be tested to measure foundational skills and that describe in their subject matter outlines topics that require an examinee to rely solely on recalled knowledge and understanding of the topic and those that require the examinee to demonstrate</p> | <p>Allows for a flexible and creative approach to timing of when the exam is administered and frequency of the exam. The possibility of a more frequent exam gives examinees the ability to retest sooner (instead of waiting 6 months between exam cycles). It also benefits law students who graduate at different times of the year (more typical for CALS and unaccredited schools), or for attorneys from other jurisdictions who wish to take the California bar exam. By being offered on different dates than NextGen, it allows the possibility of sitting for more than one exam.</p> <p>Potential for bifurcated grading, allowing examinees to concentrate on one exam component at a time and re-taking only those portions of the exam for which the examinee does not receive a passing score.</p> |

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                       | <p>Would allow precise alignment with the KSAs based on the CAPA recommendations, aligning with the subjects most critically and frequently needed for entry level attorneys.</p> <p>Focus on skills and not rote memorization.</p> <p>Potential for remote testing or testing in person at small test centers which may be more convenient for examinees, may provide an environment that is less stressful, may be more accessible, and may meet the preferences of some.</p> | <p>recognition that the topic is at issue or that may be tested with legal resources provided. NCBE has also published sample questions and will be inviting examinees to participate in a beta test.</p> <p>Focus on skills over rote memorization.</p> <p>Pre-exam tutorial developed which will familiarize examinees with exam features and functionalities.</p> <p>Integrated tools for accessibility such as e-reader integration and voice-to-text integration.</p> <p>Maintains the ability to handwrite the exam or have access to physical media, including braille tests, for those with testing accommodations.</p> | <p>Would allow precise alignment with the KSAs based on the CAPA recommendations, aligning with the subjects most critically and frequently needed for entry level attorneys.</p> <p>Potential for remote testing or testing in person at small test centers which may be more convenient for examinees, may provide an environment that is less stressful, may be more accessible, and may meet the preferences of some.</p> <p>Allows examinees to focus their studying on multiple-choice and performance test questions only.</p> <p>Familiar and well-understood exam components.</p> <p>Opportunity for real-world or simulated practical experience prior to licensure (if additional components are included).</p> |
| <b>Tangible and intangible benefits for State Bar</b> | Free to test in ways and at times not permitted by the NCBE, including testing at small centers,                                                                                                                                                                                                                                                                                                                                                                                | <p>Creating and maintaining a California exam requires:</p> <ul style="list-style-type: none"> <li>• Expertise in exam</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Free to test in ways and at times not permitted by the NCBE, including testing at small centers,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>over longer periods of time, remotely, at different dates. The State Bar can make decisions about timing and modality that make the most sense for the State Bar, including reduction of resource intensive exam administration processes and procedures.</p> <p>California-specific content will not be covered on the NextGen bar exam, nor would California be in a position to dictate or adjust the exam content (e.g., testing cultural competencies, or emphasizing administrative law or employment law).</p> <p>Allows for innovative test design.</p> <p>Would allow precise alignment with the KSAs based on the CAPA recommendations, aligning with the subjects most critically and frequently needed for entry level attorneys and ensure the exam is appropriately assessing minimum competence.</p> | <p>development</p> <ul style="list-style-type: none"> <li>• Significant time and focus on development efforts</li> <li>• Considerable resources</li> <li>• Large bank of questions that must be continuously replenished, revised, and updated</li> <li>• Repeated practice analyses and content validation studies to ensure that the exam continues to measure minimum competence</li> </ul> <p>The KSAs derived from the NCBE attorney practice analyses are comparable to California's, so the exam is likely to test the areas that entry-level attorneys need to know to practice effectively in California.</p> <p>Allows reliance on professional test developers for initial and ongoing test development, pre-testing of questions, and content validation processes.</p> <p>Improve stakeholder relations: ABA deans (per letter sent in advance of the August 14 joint</p> | <p>over longer periods of time, remotely, at different dates. The State Bar can make decisions about timing and modality that make the most sense for the State Bar, including reduction of resource intensive exam administration processes and procedures.</p> <p>California-specific content will not be covered on the NextGen bar exam, nor would California be in a position to dictate or adjust the exam content (e.g., testing cultural competencies, or emphasizing administrative law or employment law).</p> <p>Simpler, more streamlined exam development process than Option 1.</p> <p>The State Bar is already working with a vendor to develop questions; resources currently used could be focused on multiple-choice and performance test development (although subject matters of multiple-choice</p> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|  |  |                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <p>Board/CBE meeting) support going to NextGen.</p> <p>California-specific content could be tested on the afternoon of the second day of the bar exam, allowing more alignments with the KSAs identified as part of the practice analysis.</p> | <p>questions may need to be changed).</p> <p>Builds on existing investment in the multiple-choice and pt development.</p> <p>Reducing the number of multiple-choice questions would make the growing bank of questions more valuable, as the questions could be used less frequently and risk less exposure.</p> <p>Eliminating essay development and grading would reduce costs associated with managing a large pool of contractors.</p> |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Goals and Objectives Accomplished by Selection of the Option

| Goals and Objectives                       | Option 1                                                                                                                                                                                                                                                                                                                                                                                                 | Option 2                                                                                                                                                 | Option 3                                                                                                                                                                                                                                                                                                                     | Other Alternative Existing Products or Services Meeting the Same Goals                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Improve accessibility for examinees</b> | <p>Ability to administer exam using formats different than current bar exam can improve accessibility for examinees.</p> <p>Future option to deliver remotely or at small test centers nearer to examinees' homes.</p> <p>Ability to offer the exam more frequently or at different times of the year than current exam.</p> <p>Freedom to design an exam that minimizes barriers for all examinees.</p> | <p>NextGen UBE will be using a secure testing browser that has built-in accessibility tools like e-reader integration and voice-to-text integration.</p> | <p>Ability to administer exam using formats different than current bar exam can improve accessibility for examinees.</p> <p>Future option to deliver remotely or at small test centers nearer to examinees' homes.</p> <p>Ability to offer the exam more frequently or at different times of the year than current exam.</p> | <p>When it comes to the bar exam, "existing products or services" are limited, and include:</p> <ul style="list-style-type: none"> <li>• California's existing bar exam, which will not be able to continue precisely as is with the elimination of the standalone MBE.</li> <li>• The Uniform Bar Exam, which will be entirely phased out in 2028</li> <li>• <a href="#">Louisiana's current jurisdiction drafted exam</a></li> <li>• <a href="#">Puerto Rico's</a></li> </ul> |
| <b>Improve affordability for examinees</b> | <p>Flexible timing and structure could make the exam more affordable for examinees.</p>                                                                                                                                                                                                                                                                                                                  | <p>Elimination or reduction of initial and ongoing development costs might offset the costs of the more expensive administration at</p>                  | <p>Flexible timing and structure could make the exam more affordable for examinees.</p> <p>Reducing ongoing exam administration costs for the</p>                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                                                        |                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                  |                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
|                                                                        |                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                  | <a href="#">current jurisdiction drafted exam</a> |
|                                                                        | Reducing ongoing exam administration costs for the State Bar could result in decreased fees for examinees.                                                  | jurisdiction run test centers.                                                                                                                                                                                                                                                                                                                                                     | State Bar could result in decreased fees for examinees.                                                                                                                          |                                                   |
| <b>Emphasize practical skills and minimum competency in California</b> | Based on the subject areas and skills deemed most critical and frequently needed, has the ability to appropriately evaluate entry-level practice readiness. | <p>NextGen UBE includes integrated questions and shorter performance test questions, that assess practical skills</p> <p>Although focusinng on generally applicable legal principles, the subject matters tested and the skills tested largely align with the subjects and skills identified by the Supreme Court for California's exam.</p> <p>Additional California specific</p> | <p>Focus on practical skills and California-specific law.</p> <p>Integration of real-world practice and experiential learning (if supervised practice component is included)</p> |                                                   |

|                                                              |  |                                                                                              |                                                                               |  |
|--------------------------------------------------------------|--|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--|
|                                                              |  | component can e added to focus on needs for California entry level attorneys.                |                                                                               |  |
| <b>Ensure exam reliability, predictability, and validity</b> |  | The NextGen UBE uses field-tested questions, grading rubrics, and validity studies to ensure | Early discussions with psychometrician suggest the proposed exam design would |  |

|                                                                                                                                                     |                                                  |                                                                                                                                      |                                                                                                                                                          |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|                                                                                                                                                     |                                                  | consistent scoring and <a href="#">high reliability</a> .                                                                            | meet standards for reliability and validity.                                                                                                             |  |
| <b>Test design that is fair, equitable and minimizes disparate performance impacts based on race, gender, ethnicity, and other characteristics.</b> | Would be built into California's test design.    | By incorporating multiple-choice questions, short answer, and longer answer responses, should minimize disparate performance impact. |                                                                                                                                                          |  |
| <b>Get it right</b>                                                                                                                                 | Will allow time for thoughtful exam development. | Developed by professional test developers; questions pre-tested; content outlines for the exam already published.                    | Have been developing PT questions for decades; have significantly improved content validation processes to ensure accuracy of multiple-choice questions. |  |
| <b>Learn the lessons from the February exam</b>                                                                                                     | Will allow time for thoughtful exam development. | Relies on professional test developers.                                                                                              | Have significantly improved content validation processes to ensure accuracy of multiple-choice questions.                                                |  |

|                   |                                                                                                                                                                            |  |                                                                                       |  |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------|--|
| <b>Innovation</b> | Allows for an innovative exam with respect to the types of questions possible (simulations, gamified assessments), the timing, frequency, and possibility for bifurcation. |  | Allows innovation with respect to timing, frequency, and possibility for bifurcation. |  |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------|--|

## Extent to Which Technological Requirements to Implement these Changes Impose Undue Financial Burden on Examinees

| Goals and Objectives | Description of Possible New Technological Requirements                                                                                                                                  | Financial Burden for Examinees                                                                                                                                                        |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Option 1</b>      | Unknown at this time.                                                                                                                                                                   | Unknown at this time.                                                                                                                                                                 |
| <b>Option 2</b>      | Exam platform requires continuous internet access at the in person testing site, adding to the costs State Bar would incur.                                                             | Increased exam administration costs could result in increases to the application to sit for the bar exam.                                                                             |
|                      | Use of ITS as the vendor for the exam driver. Unknown at this time if this alters the minimum system requirements for examinees' laptops above the requirements for the current vendor. | If minimum system requirements are higher, could be costs to examinees to upgrade or replace existing laptop computer.                                                                |
|                      | Technology fee to be assessed by NCBE comparable to existing laptop fee assessed by the State Bar.                                                                                      | The alignment of the existing fee and the technology fee suggest no impact on the examinee for this fee.                                                                              |
| <b>Option 3</b>      | If a simulated real-world practice assessment is included as a component, this may be administered using an online exam platform.                                                       | The cost to develop this assessment – and thus the financial impact to examinees is unknown, but as a limited development effort, costs to develop and maintain should be manageable. |
|                      | If ability to handwrite the exam were limited to those with certain testing accommodations, some may need to invest in computer equipment.                                              | Could be costs to examinees to upgrade or replace existing laptop computer.                                                                                                           |
|                      | If remote testing were the default, some may need to invest in computer equipment.                                                                                                      | Could be costs to examinees to upgrade or replace existing laptop computer.                                                                                                           |

## PRELIMINARY EXPLORATION OF COST IMPLICATIONS OF DIFFERENT EXAM OPTIONS

### BACKGROUND AND ASSUMPTIONS

- \*Annual cost increases and decreases are estimated for 2028 and the first few years thereafter. Additional costs or savings in later years - which could be significant - are not projected in this analysis. This represents staff's current best guess.
- \*Cost increases attributable to consumer price index or inflation not reflected as those increases are not caused by the option selected.
- \*Current costs listed are based on either July 2025 actual + February 2026 estimated expenses or 2026 annualized expenses.
- \*Annual cost for the contract with Kaplan Exam Services for development of MCQs and Essay and Performance Test questions is not included in the question development column (over \$1.5 million annually) because those costs are related to specific options and not tied to the July 2025 and February 2026 bar exams.
- \*Assume there will not be the ability to transition to remote or small test center administration in the first several years, so test administration will look similar to today for new exam and streamlined exam options.
- \*New exam could take 5 - 10 years for development, including conducting revised California Attorney Practice Analysis due to the age of the most recent study conducted.
- \*Current contract with Kaplan Exam Services has payments due through March 2029; under current contract terms, the State Bar could terminate the contract February 28, 2027 and pay \$712,500 as an early termination penalty in lieu of \$2,850,000 for 4th and 5th year.
- \*The format of a CA component of NextGen or new exam are unknown; costs are allocated with one-half to each question development category.
- \*Assume that the California component of NextGen will not be delivered as a fully proctored exam on 2nd day of NextGen, but rather as an online exam delivered remotely, on demand.
- \*Unknown whether component parts of a Nevada model would be administered separately or together. For purposes of this analysis, assume administered together as a 1-day bar exam. Any additional client counseling component assumed for this model to be administered through online module.
- \*It is anticipated that even if the available technology does not support remote testing of a bar exam, CA could adopt a computer-based exam. However, extensive testing of systems would be required, and learning lessons from February 2025 to take changes in a phased approach, this analysis does not assume a CA developed exam would be computer-based in the first few years.

#### LEGEND

≈ - roughly same costs as current

↑ - increase <\$500,000 over current costs

↑↑ - increase between \$500,000 and \$1 million over current costs

↑↑↑ - increase >\$1 million over current costs

↓ - decrease <\$500,000 less than current costs

↓↓ - decrease between \$500,000 and \$1 million less than current costs

↓↓↓ - decrease more than \$1 million less than current costs

| Return Bar Exam Options                                                                                                   | Test Sites (Includes Venue, Tables, Chairs, Electricity and A/V) | Internet | Proctors & Off Duty Officers | Exam Software (Per Examined Item & Onsite Support) | NCBE License Costs (MBE / NextGen Skill) | Grading   | Question Development (MCQ) | Question Development (Essay & PT) | Content Validation and Subject Matter Review | EDG Team | Delivery and Printing | Administrative Staff & Consultants (Bar Exam Admin and Data) & Indirect Costs | Self Travel to Exam Site | Psychometric (in Bar Exam Only) | Computer Rental | NOTES |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|----------|------------------------------|----------------------------------------------------|------------------------------------------|-----------|----------------------------|-----------------------------------|----------------------------------------------|----------|-----------------------|-------------------------------------------------------------------------------|--------------------------|---------------------------------|-----------------|-------|
| July 2022 Bar Exam Costs                                                                                                  | 1,522,721.00                                                     | \$0      | \$1,842,061                  | \$811,207                                          | \$536,402                                | \$393,584 |                            |                                   |                                              | 587,801  |                       | \$115,059                                                                     |                          |                                 | 529,718         |       |
| February 2024 Bar Exam Costs (estimated)                                                                                  | 1,391,584                                                        | 0        | 905,056                      | 345,000                                            | 283,107                                  | 77,586    |                            |                                   |                                              | 68,021   |                       | 81,311                                                                        |                          |                                 | 15,895          |       |
| Yearly Cost of Current Approach Based on either July 2022 or February 2024 estimated expenses at 2025 annualized expenses | 2,854,305                                                        | 0        | 1,347,077                    | 1,354,207                                          | 819,509                                  | 270,750   | 0                          | 55,000                            |                                              | 330,000  | 135,882               | 8,868,086                                                                     | 146,270                  | 100,000                         | 45,170          |       |
| OPTION: New Exam (per 1/15/2024 Order / Replaces as a bridge)                                                             | =                                                                | =        | =                            | =                                                  | ++                                       | =         | +++                        | +++                               | +                                            | = / +    | =                     | +++                                                                           | =                        | =                               | =               |       |
| OPTION: New Bar Exam / NextGen w/CA component as bridge                                                                   | =                                                                | +        | ++                           | ++                                                 | ++                                       | =         | +++                        | +++                               | ↓                                            | ↓        | ↓                     | +++                                                                           | =                        | +                               | ↓               |       |
| OPTION: New Bar Exam / NextGen without CA component as bridge                                                             | =                                                                | +        | ++                           | ++                                                 | ++                                       | =         | +++                        | +++                               | ↓                                            | ↓        | ↓                     | +++                                                                           | =                        | +                               | ↓               |       |
| OPTION: Nevada Model without added skills module (i.e., client consulting) / no bridge                                    | ↓                                                                | =        | ++                           | ↓                                                  | ++                                       | ↓         | +++                        | ++                                | ↑                                            | ↓        | ↓                     | =                                                                             | ↓                        | ↑                               | =               |       |
| OPTION: Nevada Model with added skills module (i.e., client consulting) / no bridge                                       | ↓                                                                | =        | ++                           | ↑                                                  | ++                                       | =         | +++                        | +++                               | ↑                                            | ↓        | ↓                     | =                                                                             | =                        | ↑                               | =               |       |
| OPTION: Nevada Model / Replaces as a Bridge                                                                               | =                                                                | =        | =                            | =                                                  | ++                                       | =         | +++                        | +++                               | ++                                           | = / +    | =                     | +                                                                             | ↓                        | ↑                               | =               |       |
| OPTION: NextGen w/CA Component                                                                                            | =                                                                | +        | ++                           | ++                                                 | ++                                       | =         | +                          | +                                 | ↓                                            | ↓        | ↓                     | +++                                                                           | =                        | ↓                               | ↓               |       |
| OPTION: NextGen w/o CA Component                                                                                          | =                                                                | +        | ++                           | ++                                                 | ++                                       | =         | =                          | ↓                                 | ↓                                            | ↓        | ↓                     | +++                                                                           | =                        | ↓                               | ↓               |       |

## APPENDIX E: PRELIMINARY DOCUMENTS CONSIDERED BY THE BOARD OF TRUSTEES AND THE COMMITTEE OF BAR EXAMINERS

In revisiting the analysis of what type of bar exam should be administered in California in 2028 and beyond, since May 2025, the Board and the CBE have reviewed an extensive amount of material. They received considerable feedback from stakeholders through written public comment, oral public comment at Board and CBE meetings, surveys, and special efforts at engagement, such as quarterly meetings with deans that began in September 2025 to provide an enhanced opportunity for conversation and sharing of ideas. Through the many Board and CBE meetings on the topic of the future bar exam, members had discussions with experts and vendors to learn more. The Previous Action section of the [April 17, 2026, report to the CBE](#) contains a fairly comprehensive listing of the materials presented at each of the meetings. For ease of reference, Appendix E compiles some of the key documents that shaped the thinking of the Board and the CBE over time.

### August 14, 2025, Joint Meeting

1. **Pros and Cons of Three Future Bar Exam Options.** This comparison provided the Board and the CBE with a “quick-glance” analysis of the three high-level models for consideration. The comparison balances immediate needs, such as the low development risk of the NextGen UBE, against significant drawbacks, such as the NextGen UBE’s inability to test California-specific law, such as Community Property.
2. **Alignment of Three Future Bar Exam Options with Board and Court Guiding Principles.** This document measures each option against the 15 Guiding Principles adopted in May 2025. Among other things, the document helps determine which paths best uphold the philosophy that “doing it right is more important than doing it fast” and evaluates their commitment to being “accessible, affordable, fair, and equitable.”

### October 10, 2025, CBE Meeting

1. **Tangible and Intangible Benefits of Three High-Level Options.** This document analyzes the three primary pathways (Kaplan as a Bridge to the New California Exam, NextGen, and the Nevada model) through the lens of California Rule of Court 9.6(b)(1). It compares tangible and intangible benefits of each option then under consideration. It highlights benefits (e.g., State Bar sovereign control over equity initiatives versus the reliability of established national vendors), as well as examinee perks (e.g., score portability versus familiar testing formats). This preliminary analysis helped shape this report.
2. **Goals and Objectives Accomplished by Each Option Mapped to Rule 9.6(b)(2).** This analysis assesses the goals and objectives that each option fulfills and the extent to which there are other alternative existing products or services that would satisfy the same goals.
3. **Extent to Which Technological Requirements Impose Undue Financial Burdens.** Exploring the requirements of rule 9.6(b)(3), this document is an initial attempt to identify possible new technological requirements that examinees would face under each

of the three options then under consideration, and it assesses whether these options could result in an undue financial burden for examinees.

#### **January 23, 2026, Joint Meeting**

1. **Preliminary Cost Impacts of Eight Bar Exam Options.** Presented during the phase where the Board narrowed its choices, this fiscal analysis provides a high-level exploration of the cost implications of each of the eight options then under consideration. The analysis compares each option to the current costs of developing and administering a bar exam based on the costs of the July 2025 bar exam and the anticipated costs of the February 2026 bar exam or, where more appropriate, annualized 2026 costs. The analysis indicates if the costs would be roughly equivalent ( $\approx$ ) or would result in cost increases or decreases of up to \$500,000, between \$500,000 and \$1 million, or more than \$1 million.