

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

Guiding Principles Adopted by the Supreme Court (Oct. 10, 2024)	Guiding Principles Adopted by the Board (May 22, 2025)	Option 1 Feb 2028 Bar Exam: Return to Kaplan MCQs and CA Essays/PT as a Bridge to New Bar Exam	Option 2 Feb 2028 Bar Exam: Adopt the NextGen UBE	Option 3 Feb 2028 Bar Exam: Launch a new California Bar Exam (replacing the new bar exam directed by the Supreme 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

¹ 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.

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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: -Doing it fast -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: -If changes are made, phase rollout, move with caution -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

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	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: -Ensure greater transparency -Ensure stakeholder perspectives are sought out and considered -Partner with law schools to test exam administration platforms / approaches -Strong collaboration between Board, CBE, and the Court -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.

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and professional responsibility.				
Criteria for admission to the State Bar of California should be designed to ensure protection of the public.		Yes	Yes – adoption of half day, state specific exam would be beneficial to meet this principle.	Yes
The recommended examination, or examination alternative, should be evidence- based.		Unknown	Yes	Unknown