

**S296951**

Case No. \_\_\_\_\_

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

**APPENDIX OF EXHIBITS IN SUPPORT OF  
REQUEST THAT THE SUPREME COURT APPROVE  
RECOMMENDATIONS FOR CHANGES TO  
CALIFORNIA BAR EXAMINATION TO BE  
ADMINISTERED STARTING IN JULY 2028  
(VOLUME 1 OF 6)**



PREPARED BY  
THE STATE BAR OF CALIFORNIA

OFFICE OF GENERAL COUNSEL  
Ellin Davtyan, State Bar Number 238608  
Kirsten Galler, State Bar Number 227171  
Jean Krasilnikoff, State Bar Number 280450

180 Howard Street  
San Francisco, CA 94105  
Telephone: (415) 538-2309

845 South Figueroa Street  
Los Angeles, CA 90017  
Telephone: (213) 765-1070

Facsimile: (415) 538-2321  
Email: [OGC@calbar.ca.gov](mailto:OGC@calbar.ca.gov)

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# **EXHIBIT 1**



# 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**

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## 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

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<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

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<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].

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<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).

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<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

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<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;

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<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,

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<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.

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<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>
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**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>

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<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>

<p>performance data, and create technical documentation, which can contribute to evidence-based decision-making.</p>	<p>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>
<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. 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.  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

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<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
<p data-bbox="191 1570 816 1732"><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.</p> <p data-bbox="191 1774 816 1887">The State Bar would have greater control over timing of technology updates and enhancements.</p>	<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

<p>Depending on choice of exam vendor, there could be far less reliance on Internet connectivity on exam day, which eliminates a technological risk.</p>	<p>remediation of any issues.<sup>22</sup></p> <p>Synthetic load testing conducted to simulate user traffic of as many as 90,000 simultaneous downloads (more than required).</p> <p>Four additional servers added with redundancy. Not reliant on AWS servers.</p>
<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>Requires the State Bar to effectively select and manage vendors to ensure each exam administration is consistent with intention.</p>	<p><b>Risk to the State Bar:</b> Technical documentation and process documentation are internal and not publicly available.</p> <p>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.</p>
<p><b>Benefit to Examinees:</b> None identified.</p>	<p><b>Benefit to Examinees:</b> NCBE is an established vendor, potentially inspiring more confidence in its success despite the new platform.</p>
<p><b>Risk to Examinees:</b> Examinees may lack confidence in a new, unproven exam administration vendor.</p>	<p><b>Risk to Examinees:</b> None identified.</p>

**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

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<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**

<p><b>Option 1: Use of Kaplan</b></p>	<p><b>Option 2: Adopt NextGen UBE</b></p>
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<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.

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<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: Use of Kaplan	Option 2: NextGen UBE	Current	Comments
<b>Exam Development and Validation</b>	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: Use of Kaplan	Option 2: NextGen 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. <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. <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: Use of Kaplan	Option 2: NextGen 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: Use of Kaplan	Option 2: NextGen 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>
<b>Total Annual Costs</b>			<b>\$17,586,767</b>	<b>\$15,939,736</b>	<b>\$18,224,986</b>	

Cost Category	Sub-Category	Occurrence	Option 1: Use of Kaplan	Option 2: NextGen UBE	Current	Comments
<b>Total One-Time Costs</b>			<b>\$2,850,000 + 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. <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.  <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>		
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**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.  <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.  <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.  <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
<p><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.</p>	<p><b>Risk:</b> Administration vendor is not yet selected or fully integrated; protocols for new delivery modes in the future would need development.</p>	<p><b>Risk:</b> None identified.</p>	<p><b>Risk:</b> Staff unfamiliar with the back end of the platform to manage examinees both before and during the exam.</p> <p><b>Risk:</b> Long-term State Bar proctors will need training to learn the new ways of proctoring the exam.</p>

**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

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<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	<p>All MCQs drafted by Kaplan.</p> <p>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.</p>	
		Item Review	<p>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.</p> <p>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.</p> <p>Review of items after administration based on statistical performance.</p>	
	Assessment Type			<p>High-stakes exam comprises MCQs, essays, and PTs.</p> <p>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.</p>

	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.	

<b>Assessment Administration</b>			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.
	Mode of Administration		In-person at large venues determined by the State Bar.  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.
	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	Exam vendor selected following a formal Request for Proposals using business requirements and an established assessment rubric.  The State Bar has ultimate responsibility for vendor selection, platform performance and stability, and user interface and experience.  The State Bar facilitates sharing examinee data with vendor; no additional software or hardware required for staff.
	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.  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.  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.  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.  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.  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

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<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

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<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 (n=39) <sup>1</sup>	Licensees (n=12,022) <sup>2</sup>	Examinees (n=1,640) <sup>2</sup>	Total (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>

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

<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.

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

<b>Guiding Principles</b> Adopted by the Supreme Court (Oct. 10, 2024)	<b>Guiding Principles</b> Adopted by the Board (May 22, 2025)	<b>Option 1</b> <b>Feb 2028 Bar Exam:</b> Return to Kaplan MCQs and CA Essays/PT as a Bridge to New Bar Exam	<b>Option 2</b> <b>Feb 2028 Bar Exam:</b> Adopt the NextGen UBE	<b>Option 3</b> <b>Feb 2028 Bar Exam:</b> 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: -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.

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

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

Benefit	Option 1	Option 2	Option 3
<p><b>Tangible &amp; intangible benefits for examinees</b></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>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>
<p><b>Tangible and intangible benefits for State Bar</b></p>	<p>Free to test in ways and at times not permitted by the NCBE, including testing at small centers,</p>	<p>Creating and maintaining a California exam requires:</p> <ul style="list-style-type: none"> <li>• Expertise in exam</li> </ul>	<p>Free to test in ways and at times not permitted by the NCBE, including testing at small centers,</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>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>
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		<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>
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## 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
<p><b>Improve accessibility for examinees</b></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>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>
<p><b>Improve affordability for examinees</b></p>	<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>	

	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.	<a href="#">current jurisdiction drafted exam</a>
<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 focusing 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.	
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## 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

Future Bar Exam Options	Test Sites (Includes Venue, Tables, Chairs, Electrical and HVAC)	Internet	Proctors & CB Only Others	Exam Software (Per Exam/Exam & Onsite Support)	NCBE License Costs (MBE / NextGen USE)	MBE / Grading	Question Development (MCQ)	Question Development (Essay & PT)	Content Validation (Subject Matter Review)	EDG Team	Delivery and Printing	Admissions Staff & Consultants (Bar Exam Admin and Dev.)	Staff Travel to Exam Sites	Psychometric (Per Exam Only)	Computer Rental	Notes
July 2025 Bar Exam Costs	1,032,722.00	0	\$1,642,094	\$811,207	\$386,402	\$190,204					987,384		212,009		\$29,718	
February 2026 Bar Exam Costs (estimated)	1,261,584	0	905,936	343,000	283,107	77,586					68,321		81,211		15,851	
Yearly Cost of Current Agreement Based on either July 2025 + February 2026 estimated expenses or 2024 annualized expense	2,804,305	0	2,547,977	1,154,207	619,508	270,790	0	15,000		330,000	155,682	8,938,986	194,730	100,000	45,573	
OPTION: New Exam (per S-C 10/2024 Order) / Kaplan as a bridge	=	=	=	=	↕	=	***	***	↑	= / ↓	=	***	=	=	=	<ul style="list-style-type: none"> <li>*No license fee to NCBE.</li> <li>*Includes costs to Kaplan for the bridge and development costs to new vendors/consultants for the new exam.</li> <li>*Content validation and subject matter review - new baseline of \$469,000 annually for validation of Kaplan questions for first few years based on approved policies. Increasing when content validation of new questions begins.</li> <li>*EDG team expenses could decrease to the extent involvement in question development reduces.</li> <li>*Increased staff needs to support new development efforts.</li> </ul>
OPTION: New Bar Exam / NextGen w/CA component as bridge	=	+	↕	↕	**	=	***	***	↓	↓	↓	***	=	+	↓	<ul style="list-style-type: none"> <li>*NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today.</li> <li>*Need to provide continuous internet at exam site - critical for start and end of each session.</li> <li>*Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime.</li> <li>*State Bar Exam Software platform costs limited to CA component. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE.</li> <li>*Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen.</li> <li>*More information on impact of shorter responses and 100% double grading with NextGen available following the grading of the beta test in February.</li> <li>*Question development costs for both CA component and new exam. Could terminate Kaplan contract eliminating contracted costs beginning 8/15/2027 - 3/15/2029 except for termination penalty.</li> <li>*Content validation of CA component only; content validation for new exam would be in our years only.</li> <li>*Reduced question development (although contracts could be adjusted to assist with new exam development work).</li> <li>*No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes).</li> <li>*Exam administration staff reduced through attrition; will need to increase exam dev staff for new exam development. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs.</li> <li>*Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for development and possibly scoring of CA component, as well as for new practice analysis and consulting on new exam development.</li> </ul>
OPTION: New Bar Exam / NextGen without CA component as bridge	=	+	↕	↕	**	=	***	***	↓	↓	↓	***	=	+	↓	<ul style="list-style-type: none"> <li>*NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today.</li> <li>*Need to provide continuous internet at exam site - critical for start and end of each session.</li> <li>*Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime.</li> <li>*No State Bar exam software platform for NextGen. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE.</li> <li>*Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen.</li> <li>*More info on impact of shorter responses and 100% double grading with NextGen pending.</li> <li>*Question development costs for new exam. Could terminate Kaplan contract eliminating contracted costs beginning 8/15/2027 - 3/15/2029 except for payment penalty.</li> <li>*No content validation until new exam questions developed.</li> <li>*No question development (although contracts could be adjusted to assist with new exam development work).</li> <li>*No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes).</li> <li>*Exam administration staff reduced through attrition; will need to increase exam dev staff for new exam development. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs.</li> <li>*Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for new practice analysis and consulting on new exam development.</li> </ul>
OPTION: Nevada Model without added skills module (i.e., client counseling) / no bridge	↕	=	↕	↕	↕	↕	***	**	↑	↓	↓	=	↓	+	=	<ul style="list-style-type: none"> <li>*As a one-day exam, costs for test sites, proctors, Exam software and staff travel is anticipated to be reduced.</li> <li>*No purchase of NCBE products.</li> <li>*Elimination of essays with only small increase in PTs results in lowered grading costs and EDG team costs, printing and delivery costs.</li> <li>*Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides.</li> <li>*Content validation for MCQs and PTs.</li> <li>*Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required.</li> </ul>
OPTION: Nevada Model with added skills module (i.e., client counseling) / no bridge	↕	=	↕	↕	↕	↕	***	***	↑	↓	↓	=	↓	+	=	<ul style="list-style-type: none"> <li>*As a one-day exam, costs for test sites, proctors, exam software and staff travel is anticipated to be reduced. However, there are yet unknown costs for a platform for the skills module.</li> <li>*No purchase of NCBE products.</li> <li>*Elimination of essays with only small increase in PTs results in lowered grading costs, EDG team costs, and printing and delivery costs. The additional skills module will at least somewhat offset the decrease in EDG team and grader costs.</li> <li>*Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. Additional development costs for the skills' module.</li> <li>*Content validation for MCQs and PTs and skills' module.</li> <li>*Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required. Psychometric support for new module also required.</li> </ul>
OPTION: Nevada Model / Kaplan as a bridge	=	=	=	=	↕	=	***	***	**	= / ↓	=	+	↓	+	=	<ul style="list-style-type: none"> <li>*Exam administration costs stay the same as exam in development and Kaplan questions used.</li> <li>*No purchase of NCBE products.</li> <li>*Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. Additional development costs for the skills' module if included.</li> <li>*Content validation for MCQs and PTs and skills module, if applicable.</li> <li>*EDG team expenses could decrease to the extent involvement in question development reduces.</li> <li>*Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required. Psychometric support for new module also required, if applicable.</li> </ul>
OPTION: NextGen w/CA Component	=	+	↕	↕	**	=	+	+	↓	↓	↓	+++	=	↓	↓	<ul style="list-style-type: none"> <li>*NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today.</li> <li>*Need to provide continuous internet at exam site - critical for start and end of each session.</li> <li>*Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime.</li> <li>*State Bar Exam Software platform costs limited to CA component. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE.</li> <li>*Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen.</li> <li>*More info on impact of shorter responses and 100% double grading with NextGen pending.</li> <li>*Question development costs for CA component only. Would eliminate or reduce contracted costs for Kaplan Exam Services with early termination penalty paid in 2027.</li> <li>*Content validation of CA component only.</li> <li>*No question development work for EDG team (although contracts could be adjusted to assist with development of CA component).</li> <li>*No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes).</li> <li>*Exam administration staff reduced through attrition; current exam development staffing sufficient for CA component. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs.</li> <li>*Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for development and possibly scoring of CA component.</li> </ul>
OPTION: NextGen w/o CA Component	=	+	↕	↕	**	=	+	+	↓	↓	↓	+++	=	↓	↓	<ul style="list-style-type: none"> <li>*NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today.</li> <li>*Need to provide continuous internet at exam site - critical for start and end of each session.</li> <li>*Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime.</li> <li>*No State Bar exam software platform for NextGen. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE.</li> <li>*Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen.</li> <li>*More info on impact of shorter responses and 100% double grading with NextGen pending.</li> <li>*Question development costs. Termination of Kaplan contract by February 28, 2027, with early termination penalty at that time.</li> <li>*No content validation costs.</li> <li>*No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes).</li> <li>*Exam administration staff reduced through attrition; will need to increase exam dev staff for new exam development. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs.</li> <li>*Psychometric services provided by NCBE for grading NextGen exam; only ad hoc, psychometric services still required.</li> </ul>

## 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.

# **EXHIBIT 2**

**SUPREME COURT  
FILED**

OCT 10 2024

**Jorge Navarrete Clerk**

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Deputy

ADMINISTRATIVE ORDER 2024-10-10-01

**IN THE SUPREME COURT OF CALIFORNIA**

EN BANC

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ORDER CONCERNING RECOMMENDATIONS  
OF THE BLUE RIBBON COMMISSION ON THE FUTURE OF THE BAR  
EXAM AND THE ALTERNATIVE PATHWAY WORKING GROUP

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The court has considered the report and recommendations of the Blue Ribbon Commission on the Future of the Bar Exam (Commission) and a separate proposal offered by dissenting members of the Commission.

As a joint effort convened by the court and the State Bar of California, the Commission was charged with evaluating whether changes might be made to California's General Bar Examination, including whether to adopt alternative or additional testing or tools to ensure minimum competence to practice law. The Board of Trustees of the State Bar forwarded the Commission's final report and associated recommendations to this court for its consideration. Separately, the Board of Trustees convened five dissenting members of the Commission, in a group known as the Alternative Pathway Working Group (Working Group), to develop an alternative to the General Bar Examination. The Working Group developed the Portfolio Bar Examination (PBE) as a proposed alternative pathway for attorney licensure and forwarded the PBE proposal to this court for its consideration as well.

Through this order, the court adopts in part, and with modifications, most of the Commission's recommendations. It declines to adopt the PBE proposal.

**RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION  
ON THE FUTURE OF THE BAR EXAM**

After due consideration, and with appreciation for the Commission's work, the court makes the following orders concerning the Commission's six recommendations.

1. The court adopts the Commission's recommendation to develop a California-specific bar examination. The recommended general scope for such an examination is adopted with the following modifications:

*The Blue Ribbon Commission recommends that the future, California-developed bar exam, will continue to cover legal theories and principles of general application, which would include ~~federal~~ law applicable throughout the United States and that, for certain subject areas such as Civil Procedure and Evidence, California law and rules may also be applicable.*

2. The court agrees with the Commission's recommendation to test nine topics on the examination, but orders the list of test topics supplemented to include three additional topics, as follows:

- *Administrative Law and Procedure*
- *Civil Procedure*
- *Constitutional Law*
- *Contracts*
- *Criminal Law and Procedure*
- *Evidence*
- *Professional Responsibility*
- *Real Property*
- *Torts*
- *Employment Law*
- *Family Law*
- *Estate Planning, Trusts, and Probate*

3. The court adopts the Commission's recommendation to test the following seven skills on the examination. It orders the recommendation supplemented with a further directive, as follows:

- *Drafting and Writing*
- *Research and Investigation*
- *Issue-spotting and Fact-gathering*
- *Counsel/Advice*
- *Litigation*
- *Communication and Client Relationship*
- *Negotiation and Dispute Resolution*

*In considering the feasibility of testing some of these skills, such as client interviewing and negotiation, the State Bar of California should review the results of the 1980 Assessment Center, its related special sessions, and the availability of any new technologies, such as artificial intelligence, that might innovate and improve upon the reliability and cost-effectiveness of such testing.*

4. The court adopts the Commission’s recommendation concerning the examination’s testing of knowledge and skills, as follows:

*It is recommended that in developing the exam, there should be a significantly increased focus on assessment of skills along with the application of knowledge and performance of associated skills for entry-level practice, deemphasizing the need for memorization of doctrinal law. The precise weight of content knowledge versus skills should be determined after the development of the exam.*

*The commission further recommends transparency on topics and rules to be tested, including the extent to which candidates are expected to recall such topics and rules or possess familiarity with such topics and rules.*

5. The court adopts the Commission’s recommendation concerning fairness and equity in designing the examination. It orders the recommendation supplemented with further directives, as follows:

*If the Supreme Court adopts the Blue Ribbon Commission’s recommendation to develop a California-specific exam, the State Bar of California, in consultation with subject matter experts in exam development and other specialists, shall be tasked to design an exam. The design shall be consistent with the guiding principles adopted by the Blue Ribbon Commission, including crafting an exam that is fair, equitable, and minimizes disparate performance impacts based on race, gender, ethnicity, disability, and other immutable characteristics. In a further effort to minimize these disparities, and to the extent that any eventual test design may have separately scored components, consideration should be given as to whether unsuccessful applicants should be permitted to retake only those components that they failed, without having to retake the entire examination.*

The court further supports and encourages the use of intervention programs, such as the California Bar Exam Strategies and Stories program, to potentially ameliorate disparities in passing rates based on race, gender, ethnicity, disability, and other immutable characteristics. In addition, the State Bar of California is encouraged to survey applicants and assess any demographic and situational factors, such as psychological stress and financial hardship, that might be addressed by such programs.

6. The court declines to adopt the Commission’s recommendation to revise the requirements for the admission of attorneys licensed in other United States jurisdictions by allowing their admission through reciprocity, in lieu of taking all or part of the General Bar Examination. The requirements for admission are governed by statute. (See Bus. & Prof. Code, § 6062, subsd. (a)(3), (b).)

**THE ALTERNATIVE PATHWAY WORKING GROUP’S PORTFOLIO BAR EXAMINATION PROPOSAL**

The Working Group’s PBE proposal would allow graduates of law schools accredited by either the American Bar Association or the Committee of Bar Examiners to engage in a period of supervised practice and generate a portfolio of work product while advising and representing actual clients. That portfolio would be subsequently graded by a special committee to determine whether the applicant has demonstrated the minimum competence to practice law. After the Working Group submitted its proposal to the Board of Trustees, the board added the requirement that PBE applicants must also successfully pass up to two performance tests, a current component of the General Bar Examination, in order to become licensed.

The court declines to adopt the PBE proposal for the following reasons.

The PBE proposal is barred by current law because it is not the “general bar examination” given by the Committee of Bar Examiners, and the committee has not approved the use of the PBE to determine an applicant’s minimum competence to practice law. (Bus. & Prof. Code, § 6060, subd. (g); see also Cal. Rules of Court, rule 9.3(a).) In addition, applicable law forecloses the use of different examination pathways “depending upon the manner or school in which they

acquire their legal education,” but the PBE would be available only to graduates of accredited law schools. (Bus. & Prof. Code, § 6060.5.)

Furthermore, a portfolio program based within a supervised practice model involving actual clients implicates an array of ethical and practical problems that would compromise the PBE’s fairness, validity, and reliability as a measure of an applicant’s competence.

In terms of fairness, the PBE proposal anticipates that the supervising attorney will be involved in creating the portfolio of work product used to assess the applicant’s competence, but this involvement will introduce variance in the assessed work product dependent on the aptitudes of the supervisor rather than the applicant. Applicants placed with higher skilled or more dedicated supervisors may present better portfolio items than those who secure positions with less skilled or committed supervisors. In addition, the proposal offers few convincing safeguards against the possibility that portfolio items will be based on templates mostly written by someone other than the applicant, thereby allowing some applicants to unfairly benefit compared to those applicants who genuinely created their own work product. As a result, PBE scores may not have the same meaning for all applicants by not ensuring that performance is based on the *applicant’s* ability.

In terms of validity, the PBE is unlikely to be an adequate measure of an applicant’s competency in issue-spotting or in conducting client interviews and negotiations. Unlike a preconstructed question containing both relevant and irrelevant facts or law, for which the grading committee will have identified the issues a competent attorney should spot, the issues involved in a real-world scenario are unknown to the committee. If an applicant fails to identify a crucial fact or crucial legal issue in creating a client’s work product, that missing information is also unlikely to come to the attention of the grading committee.

Concerning the testing of client interviews and negotiations, the PBE grading committee would be unable to directly view an applicant’s utilization of

these skills. Instead, the PBE would score these skills only indirectly through redacted assessments of the applicant's performance, authored by the applicant and the supervisor. Aside from the concern that such self-assessments might be biased, these redacted assessments are unlikely to contain sufficient information from which a grading committee can objectively determine the applicant's competence in performing these skills. Moreover, there is the ethical dilemma of compelling inexperienced applicants to conduct negotiations and client interviews which often carry high stakes and high privacy concerns for the client. Under these circumstances, for example, a supervisor might be reluctant to submit an assessment declaring that the applicant performed an incompetent, failed negotiation for a client.

In terms of reliability, the above-described circumstances raise the concern that PBE scores will be unreliable in consistently gauging the competence of applicants. Further adding to this potential unreliability are ethical tensions inherent in the PBE's supervised practice foundation in which a supervisor undertakes a significant investment in hiring and training an applicant who then must independently generate work product for actual clients and subsequent review in the PBE. These concerns, which are not addressed by the PBE proposal, will likely create disincentives for a supervisor to reliably and objectively attest that the portfolio work product represents the applicant's independent effort.

For example, the PBE proposal does not address what occurs if the grading committee judges a piece of client work product as not meeting minimum competence. In that instance, the grading committee may have an ethical obligation to inform the client who received a deficient work product and may need to determine whether the applicant's supervisor should be reported to the State Bar for failing to adequately supervise the applicant's work. (See Cal. Rules of Prof. Conduct, rules 5.1(c), 5.3(c) [making a supervising lawyer responsible for a subordinate lawyer's incompetence or a nonlawyer assistant's incompetence, respectively].) Given this possibility, a supervising attorney would be compelled

to correct an applicant's deficient work product before its use for actual clients, while at the same time aspiring for the applicant to succeed in the PBE. These circumstances further exacerbate the risk that PBE scores will be unreliable because portfolio items may reflect the skills of the supervisor rather than the applicant.

Finally, adding two 90-minute performance tests to the PBE proposal will not solve these inherent problems with the fairness, validity, and reliability of the overall proposal, nor would this addition alleviate the ethical concerns previously described.

The court wishes to express its appreciation to the Commission members for conducting a comprehensive review of issues related to attorney licensure and for their thoughtful consideration of ways to determine an applicant's minimum competence to practice law. Moving forward, the court expects that the Committee of Bar Examiners will continue to serve as the court's steward and advisor as changes are implemented to the General Bar Examination.

GUERRERO

*Chief Justice*

CORRIGAN

*Associate Justice*

LIU

*Associate Justice*

KRUGER

*Associate Justice*

GROBAN

*Associate Justice*

JENKINS

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*Associate Justice*

EVANS

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*Associate Justice*

# **EXHIBIT 3**

OCT 22 2024

S287231

ADMINISTRATIVE ORDER 2024-10-21-01

Jorge Navarrete Clerk

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**IN THE SUPREME COURT OF CALIFORNIA** Deputy

**En Banc**

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ORDER APPROVING MODIFICATIONS TO THE CALIFORNIA BAR  
EXAMINATION

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The Court is in receipt of the State Bar of California’s Renewed Request That the Supreme Court Approve Proposed Modifications to the California Bar Examination, filed on October 4, 2024. The Court, having considered the State Bar’s request, approves the modifications below beginning with the February 2025 General Bar Examination.

The General Bar Examination will be administered commencing on the last Tuesday in February and the last Tuesday in July of each calendar year remotely and/or in-person at vendor-run or State-Bar run test centers.

The first day of the General Bar Examination will constitute the written portion of the examination and will be comprised of five one-hour essay questions and one 90-minute Performance Test.

The second day of the General Bar Examination will constitute the multiple-choice portion of the examination and will consist of 200 multiple-choice questions administered over four 90-minute sessions.

The first day of testing will also constitute the Attorneys’ Examination. Qualified attorney applicants are not required to take the multiple-choice portion of the exam but may opt to do so by enrolling for and taking the full General Bar Examination.

The length of each session, the order of testing, and the overall length of the examination may be modified for applicants granted certain testing accommodations.

The answers to the written portion will be graded on the basis of 700 possible raw points – representing up to 100 raw points for each of the five essay questions and up to 200 raw points for the 90-minute Performance Test question.

During the grading process, the written and multiple-choice portions will be scaled and weighted equally (50 percent assigned to each). Applicants who take the Attorney Examination will have their scores scaled, and the answers to the five essays and the Performance Test questions will be weighted at 100 percent.

The passing score for the General Bar Examination and Attorneys’ Examination will be a total scaled score of 1390 or better out of 2000 points.

This order supersedes the Court’s March 16, 2016 and May 19, 2022 orders. The Court will revise or supersede this order, as necessary, regarding this and future administrations of the General Bar Examination.

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GUERRERO

*Chief Justice*

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CORRIGAN

*Associate Justice*

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LIU

*Associate Justice*

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KRUGER

*Associate Justice*

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GROBAN

*Associate Justice*

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JENKINS

*Associate Justice*

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EVANS

*Associate Justice*

# **EXHIBIT 4**

MAY - 2 2025

Jorge Navarrete Clerk

S290627

ADMINISTRATIVE ORDER 2025-05-02

Deputy

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**IN THE SUPREME COURT OF CALIFORNIA**  
**En Banc**

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**ORDER APPROVING RAW PASSING SCORE AND SCORING ADJUSTMENT  
FOR THE FEBRUARY 2025 CALIFORNIA BAR EXAMINATION**

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The Court is in receipt of the State Bar of California's Request to Approve a Proposed Raw Passing Score and Scoring Adjustments for the February 2025 California Bar Examination, filed on April 29, 2025.

The Court, having considered the State Bar's request, and in light of the particular issues encountered during the February 2025 California Bar Examination, sets the total raw passing score for that exam at 534 points or higher. The total raw score shall consist of the 700 possible raw points for the written portion plus the 171 points available for the multiple-choice components with each weighted equally (50 percent assigned to each).

For applicants who took the February 2025 Attorneys' Examination, the raw passing score shall be 420 points or higher.

The Court also approves psychometric imputation of scores as follows: for missing multiple-choice answers, where the test taker answered at least 114 of the 171 scored multiple-choice questions; and for missing essay or performance test answers, where the test taker answered at least four of six written sections of the examination, including 18 test takers who had content in the performance test response field, but did not have access to the file and library.

For purposes of the passing score, this order supersedes the Court's October 21, 2024 administrative order concerning the California Bar Examination.

Although the State Bar's petition indicates that the February 2025 examination contained a sufficient number of reliable multiple-choice questions, the Court remains concerned over the processes used to draft those questions, including the previously undisclosed use of artificial intelligence, and will await the results of the impending audits of the examination. At this time, the Court orders that the Multistate Bar Examination be used for the multiple-choice portion of the July 2025 California Bar Examination.

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GUERRERO

*Chief Justice*

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CORRIGAN

*Associate Justice*

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LIU

*Associate Justice*

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KRUGER

*Associate Justice*

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GROBAN

*Associate Justice*

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JENKINS

*Associate Justice*

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EVANS

*Associate Justice*

# **EXHIBIT 5**

SUPREME COURT  
FILED

SEP 25 2025

Jorge Navarrete Clerk

S290966

ADMINISTRATIVE ORDER 2025-09-24-02

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**  
EN BANC

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**REQUEST THAT THE CALIFORNIA SUPREME COURT REVIEW AND  
APPROVE RECOMMENDED CHANGES TO THE COURT'S PROPOSED  
AMENDMENTS TO TITLE NINE OF THE CALIFORNIA RULES OF COURT**

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The State Bar of California's "Request that the California Supreme Court Review and Approve Recommended Changes to the Court's Proposed Amendments to Title Nine of the California Rules of Court" is granted, in part (as modified) and denied, in part.

The approved amendments to rules 9.1–9.6, 9.9.5, 9.12–9.15, 9.22, 9.30–9.32, 9.40–9.41, 9.43–9.48 and new approved rules 9.16.1 and 9.16.2 of the California Rules of Court, as revised by the court, are set forth in the Attachment.

These amendments are effective October 1, 2025.

It is so ordered.

GUERRERO

*Chief Justice*

CORRIGAN, J.

*Associate Justice*

LIU, J.

*Associate Justice*

KRUGER, J.

*Associate Justice*

GROBAN, J.

*Associate Justice*

JENKINS, J.

*Associate Justice*

EVANS, J.

*Associate Justice*

REDLINE VERSION

ATTACHMENT

Title 9. Rules on Law Practice, Attorneys, and Judges

Division 2. ~~Attorney Admission and Disciplinary Proceedings~~ Discipline of Attorneys and Review of State Bar Proceedings

Chapter 1. General Provisions

*Rule 9.1. Definitions*

~~*Rule 9.2. Interim special regulatory assessment for Attorney Discipline*~~

**Rule 9.1. Definitions**

As used in this division, unless the context otherwise requires:

- (1) “State Bar” means the State Bar of California as established under Article VI, Section 9 of the California Constitution and Business and Professions Code section 6001.
- (42) “Licensee” means a person licensed by the State Bar to practice law in this state.
- (3) “Board of Trustees” means the Board of Trustees of the State Bar of California established under Business and Professions Code section 6010.
- (4) “Committee of Bar Examiners” means the committee established by the Board of Trustees of the State Bar under Business and Professions Code section 6046.
- (25) “State Bar Court” means the Hearing Department or the Review Department established under Business and Professions Code sections 6079.1 and 6086.65.
- (6) “Hearing Department” means the Hearing Department of the State Bar Court established under Business and Professions Code section 6079.1.
- (37) “Review Department” means the Review Department of the State Bar Court established under Business and Professions Code section 6086.65.
- (48) “General Counsel” means the general counsel of the State Bar of California appointed under Business and Professions Code section 6012.
- (59) “Chief Trial Counsel” means the chief trial counsel of the State Bar of California appointed under Business and Professions Code section 6079.5.

*Rule 9.1 amended effective January 1, 2019; adopted as rule 950 effective December 1, 1990; previously amended and renumbered as rule 9.5 effective January 1, 2007; previously renumbered as 9.1 effective January 1, 2018.*

REDLINE VERSION

**Rule 9.2. Interim Special Regulatory Assessment for Attorney Discipline**

- (a) This rule is adopted by the Supreme Court solely as an emergency interim measure to protect the public, the courts, and the legal profession from the harm that may be caused by the absence of an adequately functioning attorney disciplinary system. The Supreme Court contemplates that the rule may be modified or repealed once legislation designed to fund an adequate attorney disciplinary system is enacted and becomes effective.
- (b) (1) Each active licensee shall pay a mandatory regulatory assessment of two hundred ninety seven dollars (\$297) to the State Bar of California. This assessment is calculated as the sum of the following amounts:
- (A) Two hundred eighty three dollars (\$283) to support the following departments and activities:
    - Office of Chief Trial Counsel
    - Office of Probation
    - State Bar Court
    - Mandatory Fee Arbitration program
    - Office of Professional Competence
    - Office of General Counsel
    - Office of Licensee Records and Compliance
    - Licensee Billing
    - Office of Communications (support of discipline only)
    - California Young Lawyers Association (discipline related only).
  - (B) Nine dollars (\$9) to fund implementation of the workforce plan recommendations from the National Center for State Courts.
  - (C) Five dollars (\$5) to make up for revenue the State Bar will forgo because of assessment sealing and assessment waivers, as provided for under this rule.
- (2) The \$297 assessment specifically excludes any funding for the State Bar's legislative lobbying, elimination of bias, and bar relations programs.
- (3) Payment of this assessment is due by March 1, 2017. Late payment or nonpayment of the assessment shall subject a licensee to the same penalties and/or sanctions applicable to mandatory fees authorized by statute.
- (4) The provisions regarding fee sealing, fee waivers, and penalty waivers contained in Business and Professions Code section 6141.1 and rules 2.15 and 2.16 of the Rules of the State Bar of California shall apply to requests for relief from payment of the assessment or any penalty under this rule. Applications for relief from payment shall be made to the State Bar, which may grant or deny waivers in conformance with its existing rules and regulations. The State Bar shall keep a record of all fee sealing and fee waivers approved and the amount of fees affected.

*(Subd (b) amended effective January 1, 2019.)*

REDLINE VERSION

~~(e) A special master appointed by the Supreme Court shall establish the Special Master's Attorney Discipline Fund, into which all money collected pursuant to this rule shall be deposited. The special master shall oversee the disbursement and allocation of funds from the Special Master's Attorney Discipline Fund for the limited purpose of maintaining, operating, and supporting an attorney disciplinary system, including payment of the reasonable costs and expenses of the special master as ordered by the Supreme Court. The special master shall exercise authority pursuant to the charge of the Supreme Court and shall submit quarterly reports and recommendations to the Supreme Court regarding the supervision and use of these funds. The State Bar shall respond in timely and accurate fashion to the special master's requests for information and reports.~~

~~Should any funds collected pursuant to this rule not be used for the limited purpose set forth in the rule, the Supreme Court may order the refund of an appropriate amount to licensees or take any other action that it deems appropriate.~~

~~(Subd (e) amended effective January 1, 2019.)~~

~~Rule 9.2 amended effective January 1, 2019; adopted as rule 9.9 effective November 16, 2016; previously renumbered effective January 1, 2018.~~

**Chapter 2. Attorney Admissions**

***Rule 9.3. Inherent power of Supreme Court***

***Rule 9.4. Nomination and appointment of members to Committee of Bar Examiners***

***Rule 9.5. Supreme Court approval of admissions rules Authority of the Committee of Bar Examiners***

***Rule 9.6. Supreme Court approval of The California bar examination***

***Rule 9.7. Oath required when admitted to practice law***

***Rule 9.8. Roll of attorneys admitted to practice***

***Rule 9.8.5. State Bar Client Trust Account Protection Program***

***Rule 9.9. Online reporting by attorneys***

***Rule 9.9.5. Attorney Fingerprinting of applicants and licensees***

**Rule 9.3. Inherent power of Supreme Court**

**(a) Inherent power over admissions**

The Supreme Court has the inherent power to admit persons to practice law in California. The State Bar serves as the administrative arm of the Supreme Court for admissions matters and in that capacity acts under the authority and at the direction of the Supreme Court. ~~The Committee of Bar Examiners, acting under authority delegated to it by the State Bar Board of Trustees, is authorized to administer the requirements for admission to practice law, to examine all applicants for admission, and to certify to the Supreme Court for admission those applicants who fulfill the admission requirements.~~

**(b) Inherent jurisdiction over practice of law**

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Nothing in this chapter may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in this state.

*Rule 9.3 amended effective January 1, 2019; adopted effective January 1, 2018.*

**Rule 9.4. Nomination and appointment of members to the Committee of Bar Examiners**

**(a) Appointments**

- (1) The Supreme Court is responsible for appointing ten examiners to the Committee of Bar Examiners for a term of four years with each full term commencing at the end of the Board of Trustees' September meeting, each.
- (2) The Supreme Court may fill any vacancies at any time. Vacancies shall be filled for a the remainder of the four-year term vacated and such appointments do not count toward any term limits for the examiner filling the vacancy under (a)(5) of this rule.
- (3) At least one of the ten examinersexaminer must be a judicial officer in this state, and the balance.
- (4) The other examiners must be licensees of the State Bar. At, at least one of the attorney examinerswhom shall have been admitted to practice law in California within three years fromof the date of his or her appointment. The court may reappoint an attorney or judicial officer examiner to
- (5) With the exception of appointments to fill a partial term vacancy under (a)(2) of this rule, each examiner shall serve no more thanfor a term of four years and may apply for reappointment by the Supreme Court for up to three additional full terms, and may fill any vacancy in the term of any appointed attorney or judicial officer examiner. Reappointments are at the discretion of the Supreme Court. Examiners may continue to serve beyond the expiration of their terms until their successors are appointed.
- (6) The Supreme Court shall select the chair and vice chair of the Committee of Bar Examiners. The terms of the chair and vice chair shall be one year ending at the conclusion of the Board of Trustees' September meeting.

*(Subd (a) amended effective January 1, 2019.)*

**(b) Nominations**

- (1) The Supreme Court mustmay make its appointments from a list of candidates nominated by the Board of Trustees of the State Bar pursuant to a procedure approved by the court.

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- (2) Candidates selected for nominations shall be screened for actual and potential conflicts of interest including any financial and nonfinancial interests that might affect or might be affected by the candidate's service as an examiner. Such conflicts may include being actively involved in any capacity related to a bar examination preparation business or in any other capacity to assist applicants in fulfilling the requirements for admission; or are actively serving as a member of the governing or other policy-making board or committee of a law school.

*Rule 9.4 amended effective January 1, 2019; adopted effective January 1, 2018.*

**Rule 9.5. ~~Supreme Court approval~~Authority of admissions rules the Committee of Bar Examiners**

~~All State Bar rules adopted by the State Bar Committee of Bar Examiners pertaining to the admission to practice law must be approved by the Board of Trustees and then submitted to the Supreme Court for its review and approval.~~

**(a) Admissions**

The Committee of Bar Examiners, pursuant to the authority delegated to it by the Supreme Court and the Board of Trustees, is authorized to determine and administer the requirements for admission to practice law, to examine all applicants for admission, and to certify to the Supreme Court for admission those applicants who fulfill the admission requirements. Any changes recommended by the examiners to the prerequisites to be certified for admission to practice law must be reviewed and approved by the Board of Trustees and then submitted to the Supreme Court for its review and approval.

**(b) Additional authority**

In furtherance of its duties under these rules, the Committee of Bar Examiners shall:

- (1) Have the power to conduct hearings on matters involving admissions and may take and hear relevant evidence, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of documents in accordance with Code of Civil Procedure section 1985 et seq.,
- (2) Regularly review the revenues and expenses for the admissions fund and propose a budget for the Office of Admissions, subject to review and approval by the Board of Trustees, prior to the adoption of a final budget pursuant to Business and Professions Code section 6140.1;
- (3) Recommend to the Executive Director of the State Bar any candidate under consideration for Chief of Admissions;
- (4) Regulate and oversee law schools conferring a juris doctor degree in California that are not accredited by the American Bar Association, as required by Business and Professions Code section 6060.7; and

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- (5) Set fees related to admissions programs and related to the accreditation, registration, and inspection of law schools under (b)(4), subject to review and approval by the Board of Trustees.

**(c) Delegation of duties**

The Committee of Bar Examiners may delegate its duties described in this rule and rule 9.6 to a subcommittee of examiners, as necessary and where not prohibited by law or these rules. Unless otherwise stated in the delegation, the action of the subcommittee shall be the decision of the committee without further ratification. Actions taken by the subcommittee shall be reported to the full committee at the next regularly scheduled meeting.

*Rule 9.5 amended effective January 1, 2019; adopted effective January 1, 2018.*

**Rule 9.6. Supreme Court approval of The California bar examination**

**(a) Bar Examination Administration of the exam**

The Committee of Bar Examiners, pursuant to the authority delegated to it by the Board of Trustees, is responsible for determining the bar examination's administering the bar examination, including its mode of administration, proctoring, format, scope, topics, content, questions, and grading process, subject to review and approval by the Supreme Court. The Supreme Court must set the passing score of the examination. In carrying out these responsibilities, the committee:

- (1) May utilize the services of third parties, subject to review and approval by the Board of Trustees, to prepare bar examination questions, provided that the vendor has no financial interest in other matters that might create a conflict of interest with the State Bar or with the vendor's ability to draft fair and reliable exam questions. With the exception of examination questions provided by the National Conference of Bar Examiners, the attorney and judicial officer members of the committee, or their designated content validation panels, must review all new questions drafted for the examination before they are administered on a bar examination or released for use in any study guide;
- (2) Must develop, maintain, and publish qualification standards, subject to review and approval by the Supreme Court, for the committee's selection of panelists and subject matter experts for any content validation panels or standard setting panels designated by the committee to review new examination questions or to determine the recommended raw passing score for the bar examination;
- (3) Must develop, maintain, and publish standards for assessing the ability of any third-party vendor to administer and/or proctor the bar examination in any format (in-person, online, or hybrid), subject to review and approval by the Board of Trustees;
- (4) Must develop, maintain, and publish standards regarding bar examination testing accommodations, subject to review and approval by the Board of Trustees;

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- (5) Must oversee the grading process of the bar examination and develop, maintain, and publish standards for grading, regrading, and for any scoring adjustments redressing exam administration irregularities, subject to review and approval by the Board of Trustees;
- (6) Must recommend any change to the passing score for the bar examination, subject to review and approval by the Supreme Court; and
- (7) Must consult with law school stakeholders on issues relating to the doctrines tested on the bar examination, the experience of examinees, and the effective design and delivery of exams.

*(Subd (a) amended effective January 1, 2019.)*

**(b) Analysis of costs and benefits of changes to the exam**

Any changes to the bar examination that require substantial modification to the training or preparation required for passage of the examination or that substantially modify the method by which the examination is administered must be approved by the Supreme Court. In proposing such changes, the Committee of Bar Examiners must conduct and submit a cost-benefit analysis to assess, if relevant:

- (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 the examinees;
- (3) Whether any new technological requirements or new fees to implement the proposed changes would place an undue financial burden on the examinees;
- (4) The estimated number of temporary and non-temporary full-time equivalent positions necessary to implement the proposed changes;
- (5) The estimated timeframe 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 examination.

**(bc) Analysis of validity**

The State BarThe Committee of Bar Examiners, subject to the review and approval of the Board of Trustees, must conduct an analysis of the validity of the bar examination and its passing score at least once every seven years, or whenever directed by the Supreme Court. The State Barexaminers must prepare and submit a report summarizing its findings and

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recommendations, if any, to the Board of Trustees and the Supreme Court. Any recommendations proposing significant changes to the topics and skills tested on the bar examination, and any recommended change to the passing score, must be submitted to the Supreme Court for its review and approval.

*(Subd (b) amended effective January 1, 2019.)*

**(ed) Report on examination**

The State Committee of Bar Examiners must provide the Supreme Court a report on each administration of the bar examination in a timely manner.

*Rule 9.6 amended effective January 1, 2019; adopted effective January 1, 2018.*

**Rule 9.9.5. Attorney Fingerprinting of applicants and licensees**

**~~(a) Subsequent arrest notification~~**

~~(1) The State Bar must enter into a contract with the California Department of Justice for subsequent arrest notification services for attorneys whose license is on active status with the State Bar (“active licensed attorneys”) and attorneys permitted to practice in the State of California pursuant to rules 9.44, 9.45, and 9.46 of the California Rules of Court (“special admissions attorneys”).~~

~~(2) The State Bar must consider those active licensed attorneys and special admissions attorneys for whom it is already receiving subsequent arrest notification services as having satisfied the fingerprinting requirement of this rule and thereby exempt. The State Bar must adopt a procedure for notification of all attorneys as to whether they have been deemed to have already satisfied the requirement.~~

**~~(b) Active licensed attorneys~~**

~~Each active licensed attorney, with the exception of those attorneys specifically exempt under (a)(2) of this rule, must, pursuant to the procedure identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the Department of Justice and the Federal Bureau of Investigation. These fingerprints will be retained by the Department of Justice for the limited purpose of subsequent arrest notification.~~

**~~(c) Inactive licensed attorneys~~**

~~An attorney whose license is on inactive status with the State Bar (“inactive licensed attorneys”), with the exception of those attorneys specifically exempt under (a)(2) of this rule, must, pursuant to the procedure identified by the State Bar, be fingerprinted prior to being placed on active status for the purposes described in (b) of this rule.~~

**~~(d) Active licensed attorneys in foreign countries~~**

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Active licensed attorneys who are residing outside the United States and required to submit fingerprints under this rule should have their fingerprints taken by a licensed fingerprinting service agency and submit the hard copy fingerprint card to the State Bar. If fingerprinting services are not provided in the jurisdiction where the attorney is physically located, or the attorney is able to provide evidence that he/she is unable to access or afford such services, the attorney must notify the State Bar pursuant to the procedure identified by the State Bar. The attorney will be exempt from providing fingerprints until he or she returns to the United States for a period of not less than 60 days.

**(a) Fingerprinting of applicants for admission or reinstatement**

Applicants for admission or reinstatement to the practice of law in the State of California must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. The State Bar's use of that information shall be limited to the official use of the State Bar in establishing the identity of the applicant and in determining the character and fitness of the applicant for admission or reinstatement, and in discovering prior and subsequent criminal arrests of an applicant, licensee, or applicant for reinstatement.

**(b) Fingerprinting of active or inactive licensees**

Each active licensee must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. Failure to be fingerprinted, if required, may result in involuntary inactive enrollment of the licensee pursuant to Business and Professions Code section 6054, subdivision (e). An inactive licensee who has not previously submitted fingerprints under this rule must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted prior to being placed on active status. The fingerprints submitted under this rule will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification.

**(ec) Special admissions attorneys**

Attorneys permitted to practice law in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46 of the California Rules of Court, with the exception of those attorneys specifically exempt under (a)(2) of this rule, must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. These fingerprints will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification. Failure to be fingerprinted, if required, may result in a State Bar determination that the attorney cease providing legal services in California.

**(f) Implementation schedule and penalty for noncompliance**

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- ~~(1) The State Bar must develop a schedule for implementation that requires all attorneys subject to fingerprinting under (b) of this rule to be fingerprinted by December 1, 2019. The State Bar must develop a schedule for implementation that requires all special admissions attorneys subject to fingerprinting under (c) of this rule to be fingerprinted by the renewal of their application to practice law in the State of California.~~
- ~~(2) The State Bar has ongoing authority to require submission of fingerprints after December 1, 2019 for attorneys for whom it is not receiving subsequent arrest notification services and for attorneys transferring to active status. Failure to be fingerprinted if required by this rule may result in involuntary inactive enrollment pursuant to Business and Professions Code section 6054(d).~~
- ~~(3) The State Bar has ongoing authority to require submission of fingerprints after December 1, 2019, for special admissions attorneys for whom it is not receiving subsequent arrest notification services. Failure to be fingerprinted if required may result in a State Bar determination that the attorney cease providing legal services in California.~~

**(d) Subsequent arrest notification**

The State Bar must maintain a contract with the California Department of Justice for subsequent arrest notification services for licensees on active status with the State Bar and special admissions attorneys permitted to practice in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46.

**(ge) Information obtained by fingerprint submission; disclosure limitations**

Any information obtained by the State Bar as a result of fingerprint submission under this rule must be kept confidential and used solely for State Bar licensing and regulatory purposes.

**(hf) Fingerprint submission and processing costs**

- (1) Except as described in (hf)(2), all costs incurred for the processing of fingerprints for the State Bar, including print furnishing and encoding, as required by Business and Professions Code section 6054, must be borne by the licensed attorney applicant, licensee, or special admissions attorney.
- (2) The State Bar must develop procedures for granting waivers of the processing costs of running California Department of Justice and Federal Bureau of Investigation background checks for licensed attorneys applicants and licensees with demonstrable financial hardship.

**(ig) Attorneys Persons who are physically unable to be fingerprinted**

- (1) If the California Department of Justice makes a determination pursuant to Penal Code section 11105.7 that any attorney person required to be fingerprinted under this

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rule is presently unable to provide legible fingerprints, the attorney person will be deemed to have complied with the fingerprinting requirements of this rule.

- (2) AttorneysPersons required to be fingerprinted under this rule may also submit notification to the State Bar that they are unable to submit fingerprints due to disability, illness, accident, or other circumstances beyond their control. The State Bar must evaluate the notification and may require additional evidence. If the State Bar determines that the attorney person is unable to submit fingerprints based on the information provided, the attorney person will be deemed to have complied with the fingerprinting requirements of this rule.
- (3) A determination of deemed compliance under (ig)(1) and (ig)(2) will apply only to those attorneys persons who are unable to supply legible fingerprints due to disability, illness, accident, or other circumstances beyond their control and will not apply to attorneys persons who are unable to provide fingerprints because of actions they have taken to avoid submitting their fingerprints.

*Rule 9.9.5 adopted effective June 1, 2018.*

**Chapter 3. Attorney Disciplinary Proceedings**

*Rule 9.10. Authority of the State Bar Court*

*Rule 9.11. State Bar Court judges*

*Rule 9.12. Standard of review for State Bar Court Review Department*

*Rule 9.13. ReviewPetitions for review by licensees of State Bar Court decisions and review of other State Bar decisions*

*Rule 9.14. Petitions for review by the Chief Trial Counsel of State Bar Court decisions*

*Rule 9.15. Petitions for review by the State Bar; grounds for review; confidentiality in moral character proceedings*

*Rule 9.16. Grounds for review of State Bar Court decisions in the Supreme Court*

*Rule 9.16.1. Briefs by parties following grant of review by the Supreme Court*

*Rule 9.16.2. Requesting depublication of published State Bar Court opinion*

*Rule 9.17. Remand with instructions*

*Rule 9.18. Effective date of disciplinary orders and decisions*

*Rule 9.19. Conditions attached to reprovals*

*Rule 9.20. Duties of disbarred, resigned, or suspended attorneys*

*Rule 9.21. Resignations of licensees of the State Bar with disciplinary charges pending*

*Rule 9.22. Suspension of licensees of the State Bar for failure to comply with judgment or order for child or family support*

*Rule 9.23. Enforcement as money judgment disciplinary orders directing the payment of costs and disciplinary orders requiring reimbursement of the Client Security Fund*

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**Rule 9.12. Standard of review for State Bar Court Review Department-**

In reviewing the decisions, orders, or rulings of a hearing judge under rule ~~304~~5.151 of the Rules of Procedure of the State Bar of California or such other rule as may be adopted governing the review of any decisions, orders, or rulings by a hearing judge that fully disposes of an entire proceeding, the Review Department of the State Bar Court must independently review the record and may adopt findings, conclusions, and a decision or recommendation different from those of the hearing judge.-

*Rule 9.12 amended and renumbered effective January 1, 2007; adopted as rule 951.5 by the Supreme Court effective February 23, 2000.*

**Rule 9.13. ReviewPetitions for review by licensees of State Bar Court decisions and reviewof other State Bar decisions**

**(a) Review of recommendation of disbarment or suspension**

A petition to the Supreme Court by a licensee to review a decision of the State Bar Court recommending his or her disbarment or suspension from practice must be served and filed within 60 days after a certified copy of the decision complained of is filed with the Clerk of the Supreme Court. The State Bar may serve and file an answer to the petition within ~~45~~20 days after filing of the petition. Within ~~5-10~~ days after filing of the answer, the petitioner may serve and file a reply. ~~If review is ordered by the Supreme Court, the State Bar must serve and file a supplemental brief within 45 days after the order is filed. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.~~

*(Subd (a) amended effective January 1, 2019; previously relettered and amended effective October 1, 1973; previously amended effective July 1, 1968, December 1, 1990, and January 7, 2007.)*

**(b) Review of recommendation to set aside stay of suspension or modify probation**

A petition to the Supreme Court by a licensee to review a recommendation of the State Bar Court that a stay of an order of suspension be set aside or that the duration or conditions of probation be modified on account of a violation of probation must be served and filed within 15 days after a certified copy of the recommendation complained of is filed with the Clerk of the Supreme Court. Within 15 days after filing of the petition, the State Bar may serve and file an answer. Within 5 days after filing of the answer, the petitioner may serve and file a reply.

*(Subd (b) amended effective January 1, 2019; adopted effective October 1, 1973; previously amended effective December 1, 1990; and January 1, 2007.)*

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**(c) Review of interim decisions**

A petition to the Supreme Court by a licensee to review a decision of the State Bar Court regarding interim suspension, the exercise of powers delegated by rule 9.10(b)–(e), or another interlocutory matter must be served and filed within 15 days after written notice of the adverse decision of the State Bar Court is mailed by the State Bar to the petitioner and to his or her counsel of record, if any, at their respective addresses under Business and Professions Code section 6002.1. Within 15 days after filing of the petition, the State Bar may serve and file an answer. Within 5 days after filing of the answer, the petitioner may serve and file a reply.

*(Subd (c) amended effective January 1, 2019; adopted effective December 1, 1990; previously amended effective January 1, 2007.)*

**(d) Review of other decisions**

A petition to the Supreme Court to review any other decision of the State Bar Court or action of the Board of Trustees of the State Bar, or of any board or committee appointed by it and authorized to make a determination under the provisions of the State Bar Act, or of the chief executive officer of the State Bar or the designee of the chief executive officer authorized to make a determination under article 10 of the State Bar Act or these rules of court, must be served and filed within 60 days after written notice of the action complained of is mailed to the petitioner and to his or her counsel of record, if any, at their respective addresses under Business and Professions Code section 6002.1. Within ~~45~~<sup>20</sup> days after filing of the petition, the State Bar may serve and file an answer and brief. Within ~~5~~<sup>10</sup> days after filing of the answer and brief, the petitioner may serve and file a reply. ~~If review is ordered by the Supreme Court, the State Bar, within 45 days after filing of the order, may serve and file a supplemental brief. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.~~

*(Subd (d) amended effective January 1, 2019; previously amended effective July 1, 1968, May 1, 1986, April 2, 1987, and January 1, 2007; previously relettered and amended effective October 1, 1973, and December 1, 1990.)*

**(e) Contents of petition**

- (1) A petition to the Supreme Court filed under (a) or (b) of this rule must be verified, must specify the grounds relied upon, must show that review within the State Bar Court has been exhausted, must address why review is appropriate under one or more of the grounds specified in rule 9.16, and must have attached a copy of the State Bar Court decision from which relief is sought.
- (2) When review is sought under (c) or (d) of this rule, the petition must also be accompanied by a record adequate to permit review of the ruling, including:
  - (A) Legible copies of all documents and exhibits submitted to the State Bar Court or the State Bar supporting and opposing petitioner's position;

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- (B) Legible copies of all other documents submitted to the State Bar Court or the State Bar that are necessary for a complete understanding of the case and the ruling; and
  - (C) A transcript of the proceedings in the State Bar Court leading to the decision or, if a transcript is unavailable, a declaration by counsel explaining why a transcript is unavailable and fairly summarizing the proceedings, including arguments by counsel and the basis of the State Bar Court's decision, if stated; or a declaration by counsel stating that the transcript has been ordered, the date it was ordered, and the date it is expected to be filed, which must be a date before any action is requested from the Supreme Court other than issuance of a stay supported by other parts of the record.
- (3) A petitioner who requests an immediate stay must explain in the petition the reasons for the urgency and set forth all relevant time constraints.
  - (4) If a petitioner does not submit the required record, the court may summarily deny the stay request, the petition, or both.

*(Subd (e) amended effective January 1, 2019; previously repealed and adopted by the Supreme Court effective December 1, 1990, and February 1, 1991; previously repealed and adopted effective March 15, 1991; previously amended effective January 1, 2007.)*

**(f) Service**

All petitions, briefs, reply briefs, and other pleadings filed by a petitioner under this rule must be accompanied by proof of service of ~~three copies~~ one copy on the General Counsel of the State Bar at the San Francisco ~~or the Los Angeles~~ office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar must serve the licensee at ~~his or her~~ the address of record under Business and Professions Code section 6002.1, and ~~his or her~~ counsel of record, if any.

*(Subd (f) amended effective January 1, 2019; adopted by the Supreme Court effective December 1, 1990; previously amended by the Supreme Court effective February 1, 1991; previously amended effective March 15, 1991, and January 1, 2007.)*

*Rule 9.13 amended effective January 1, 2019; adopted as rule 59 by the Supreme Court effective April 20, 1943, and by the Judicial Council effective July 1, 1943; previously amended and renumbered as rule 952 effective October 1, 1973, and as 9.13 effective January 1, 2007; previously amended effective July 1, 1976, May 1, 1986, April 2, 1987, December 1, 1990, February 1, 1991, and March 15, 1991.*

**Rule 9.14. Petitions for review by the Chief Trial Counsel of State Bar Court decisions**

**(a) Time for filing a petition**

The Chief Trial Counsel may petition for review of recommendations and decisions of the State Bar Court as follows:

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- (1) From recommendations that a licensee be suspended, within 60 days of the date the recommendation is filed with the Supreme Court.
- (2) From recommendations that the duration or conditions of probation be modified, or a reinstatement application be granted, within 15 days of the date the recommendation is filed with the Supreme Court.
- (3) From decisions not to place an eligible licensee on interim suspension, or vacating interim suspension, or a denial of a petition brought under Business and Professions Code section 6007, subdivision (c), within 15 days of notice under the rules adopted by the State Bar.
- (4) From decisions dismissing disciplinary proceedings or recommending approval, within 60 days of notice under the rules adopted by the State Bar.

**(b) Subsequent briefs**

Within 20 days after the filing of the petition under this rule, the licensee may serve and file an answer. Within 10 days after the filing of the answer, the Chief Trial Counsel may serve and file a reply.

*(Subd (a) amended effective January 1, 2019; adopted effective March 15, 1991; previously adopted by the Supreme Court effective December 10, 1990; previously amended effective January 1, 2007.)*

**~~(b) Procedures~~**

~~Proceedings under this rule with regard to briefing, service of process, and applicable time periods therefor must correspond to proceedings brought under rule 9.13, except that the rights and duties of the licensee and the State Bar under that rule are reversed.~~

**(c) Service**

All petitions, briefs, reply briefs, and other pleadings filed by the Chief Trial Counsel under this rule must be accompanied by proof of service on the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any. All briefs and other pleadings filed by the licensee under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court.

*(Subd (b) amended effective January 1, 2019; adopted as part of subd (d) effective March 15, 1991; previously adopted by the Supreme Court effective December 10, 1991; previously amended and relettered effective January 1, 2007.)*

*Rule 9.14 amended effective January 1, 2019; adopted as rule 952.5 effective March 15, 1991; previously amended and renumbered effective January 1, 2007.*

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**Rule 9.15. Petitions for review by State Bar; ~~grounds for review; confidentiality in moral character proceedings~~**

**(a) Petition for review by the State Bar**

The State Bar may petition for review of the decision of the Review Department of the State Bar Court in moral character proceedings. All petitions under this rule must be served and filed with the Clerk of the Supreme Court within 60 days after the State Bar Court decision is filed and served on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar. The applicant may file and serve an answer within ~~45~~20 days after filing of the petition. Within ~~5~~10 days after filing of the answer the State Bar may serve and file a reply. ~~If review is ordered by the Supreme Court, within 45 days after filing and service of the order, the applicant may serve and file a supplemental brief. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.~~

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(b) Contents of petition**

A petition to the Supreme Court filed under this rule must show that review within the State Bar Court has been exhausted, must address why review is appropriate under one or more of the grounds specified in rule 9.16, and must have attached a copy of the State Bar Court decision for which review is sought.

*(Subd (b) amended effective January 1, 2007.)*

**(c) Service**

All petitions, briefs, reply briefs, and other pleadings filed by the State Bar must include a proof of service by mail to the applicant's last address provided to the State Bar or the applicant's attorney of record, if any. Filings by the applicant must include a proof of service of ~~three copies~~one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar and one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court.

*(Subd (c) amended effective January 1, 2019; previously amended effective April 20, 1998, and January 1, 2007.)*

**(d) Confidentiality**

All filings under this rule are confidential unless: (1) the applicant waives confidentiality in writing; or (2) the Supreme Court grants review. Once the Supreme Court grants review, filings under this rule are open to the public; however, if good cause exists, the Supreme Court may order portions of the record or the identity of witnesses or other third parties to the proceedings to remain confidential.

*(Subd (d) amended effective January 1, 2007; adopted effective April 20, 1998.)*

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*Rule 9.15 amended effective January 1, 2019; adopted as rule 952.6 by the Supreme Court effective July 1, 1993, and by the Judicial Council May 6, 1998; previously amended by the Supreme Court effective April 20, 1998; previously amended and renumbered effective January 1, 2007.*

**Rule 9.16.1. Briefs by parties following grant of review by the Supreme Court**

**(a) Parties' briefs; time to file**

If the Supreme Court grants review of a petition filed pursuant to rules 9.13(a) or (d), 9.14(a), or 9.15(a), the opposing party must serve and file a supplemental brief within 45 days after the order granting review is filed. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.

**(b) Judicial notice**

To obtain judicial notice by the Supreme Court under Evidence Code section 459, a party must comply with rule 8.252(a).

**(c) Service**

All briefs, reply briefs, and other pleadings filed by a licensee under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar must serve the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any.

**Rule 9.16.2. Requesting depublication of published State Bar Court opinion**

**(a) Request**

- (1) Any person may request the Supreme Court to order that an opinion certified for publication by the State Bar Court not be published.
- (2) The request must not be made as part of a petition for review, but by a separate letter to the Supreme Court not exceeding 10 pages.
- (3) The request must concisely state the person's interest and the reason why the opinion should not be published.
- (4) The request must be delivered to the Supreme Court within 30 days after the decision is final in the State Bar Court.
- (5) The request must be served on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court and all parties.

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**(b) Response**

- (1) Within 10 days after the Supreme Court receives a request under (a), the State Bar Court or any person may submit a response supporting or opposing the request. A response submitted by anyone other than the State Bar Court must state the person's interest.
- (2) A response must not exceed 10 pages and must be served on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court, all parties, and any person who requested depublication.

**(c) Action by Supreme Court**

- (1) The Supreme Court may order the State Bar Court to depublish the opinion or deny the request. It must send notice of its action to the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court, all parties, and any person who requested depublication.
- (2) The Supreme Court, on its own motion, may order the State Bar Court to depublish an opinion, notifying the State Bar Court of its action.

**(d) Effect of Supreme Court order to depublish**

A Supreme Court order to depublish is not an expression of the court's opinion of the correctness of the result of the decision or of any law stated in the opinion. An opinion ordered depublished must not be cited or relied on by a court or a party in any other action. A depublished opinion may be cited when relevant under the doctrines of law of the case, res judicata, or collateral estoppel or if the opinion is relevant to a criminal or disciplinary action because it states reasons for a decision affecting the same defendant or respondent in another such action.

**Rule 9.22. Suspension of licensees of the State Bar for failure to comply with judgment or order for child or family support**

**(a) State Bar recommendation for suspension of delinquent licensees**

Under Family Code section 17520, the State Bar is authorized to transmit to the Supreme Court twice a year the names of those licensees listed by the State Department of Child Support Services as delinquent in their payments of court-ordered child or family support with a recommendation for their suspension from the practice of law.

*(Subd (a) amended effective October 20, 2023; previously amended effective January 1, 2007 and January 1, 2019.)*

**(b) Conditions for reinstatement of a suspended licensees**

The Supreme Court may reinstate a licensee suspended under this rule ~~may be reinstated~~ only after receipt by the Supreme Court of notification from the State Bar that the

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licensee's name has been removed from the State Department of Child Support Services list as provided in Family Code section 17520(h) and that the licensee has submitted a declaration under penalty of perjury stating whether the licensee practiced law during the suspension.

*(Subd (b) amended effective October 20, 2023; adopted as part of subd (a) effective January 31, 1993; previously amended and lettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(c) Subsequent recommendation for suspension by the State Bar**

Under Family Code section 17520(l), the State Bar is further authorized to promptly transmit to the Supreme Court with a recommendation for their suspension from the practice of law the name of any licensee previously listed by the State Department of Child Support Services as delinquent in their payments of court-ordered child or family support, who has been reinstated under (b) of this rule, and who has subsequently been identified by the Department of Child Support Services as again being delinquent.

*(Subd (c) amended effective October 20, 2023; adopted as part of subd (a) effective January 31, 1993; previously amended and lettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(d) Compliance with Rule 9.20(a)-(c)**

A licensee suspended under this rule must comply with the requirements of rule 9.20 in connection with an initial suspension under (a) of this rule and any subsequent suspension under (c) of this rule.

*(Subd (d) adopted effective October 20, 2023.)*

**(e) Authorization for the Board of Trustees of the State Bar to adopt rules**

The Board of Trustees of the State Bar is authorized to adopt such rules as it deems necessary and appropriate in order to comply with this rule. The rules of the State Bar must contain procedures governing the notification, suspension, and reinstatement of licensees of the State Bar in a manner not inconsistent with Family Code section 17520.

*(Subd (e) amended and relettered effective October 20, 2023; adopted as subd (b) effective January 31, 1993; previously amended and relettered as subd (d) effective January 1, 2007; previously amended effective January 1, 2019.)*

*Rule 9.22 amended effective October 20, 2023; adopted as rule 962 effective January 31, 1993; previously amended by the Supreme Court effective April 1, 1996 and January 1, 2019; previously amended and renumbered effective January 1, 2007.*

**Chapter 4. Legal Education**

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*Rule 9.30. Law school study in schools other than those accredited by the ~~examining committee~~ Committee of Bar Examiners*

*Rule 9.31. Minimum continuing legal education*

*Rule 9.32. New Attorney Training*

**Rule 9.30. Law school study in schools other than those accredited by the ~~examining committee~~ Committee of Bar Examiners**

**(a) Receipt of credit**

A person who seeks to be certified to the Supreme Court for admission in and licensed to practice law under section 6060(e)(2) of the Business and Professions Code may receive credit for:

- (1) Study in a law school in the United States other than one accredited by the ~~examining committee established by the Board of Trustees of the State Bar under Business and Professions Code section 6046~~ Committee of Bar Examiners only if the law school satisfies the requirements of (b) or (c) of this rule; or
- (2) Instruction in law from a correspondence school only if the correspondence school requires 864 hours of preparation and study per year for four years and satisfies the requirements of (d) of this rule; or
- (3) Study in a law school outside the United States other than one accredited by the ~~examining committee~~ Committee of Bar Examiners established by the Board of Trustees of the State Bar under Business and Professions Code section 6046 only if the ~~examining committee~~ Committee of Bar Examiners is satisfied that the academic program of such law school is substantially equivalent to that of a law school qualified under (b) of this rule.

*(Subd (a) amended effective January 1, 2019; previously amended effective April 2, 1984, and January 1, 2007.)*

**(b) Requirements for unaccredited law schools in state**

A law school in this state that is not accredited by the ~~examining committee~~ Committee of Bar Examiners must:

- (1) Be authorized to confer professional degrees by the laws of this state;
- (2) Maintain a regular course of instruction in law, with a specified curriculum and regularly scheduled class sessions;
- (3) Require classroom attendance of its students for a minimum of 270 hours a year for at least four years, and further require regular attendance of each student at not less than 80 percent of the regularly scheduled class hours in each course in which such student was enrolled and maintain attendance records adequate to determine each student's compliance with these requirements;

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- (4) Maintain, in a fixed location, physical facilities capable of accommodating the classes scheduled for that location;
- (5) Have an adequate faculty of instructors in law. The faculty will prima facie be deemed adequate if at least 80 percent of the instruction in each academic period is by persons who possess one or more of the following qualifications:
  - (A) Admission to the general practice of the law in any jurisdiction in the United States;
  - (B) Judge of a United States court or a court of record in any jurisdiction in the United States; or
  - (C) Graduation from a law school accredited by the ~~examining committee~~Committee of Bar Examiners.
- (6) Own and maintain a library consisting of at least those materials identified by the Committee of Bar Examiners in the rules or guidelines for unaccredited law schools. ~~not less than the following sets of books, all of which must be current and complete:~~
  - ~~(A) The published reports of the decisions of California courts, with advance sheets and citator;~~
  - ~~(B) A digest or encyclopedia of California law;~~
  - ~~(C) An annotated set of the California codes; and~~
  - ~~(D) A current, standard text or treatise for each course or subject in the curriculum of the school for which such a text or treatise is available.~~
- (7) Establish and maintain standards for academic achievement, advancement in good standing and graduation, and provide for periodic testing of all students to determine the quality of their performance in relation to such standards; and
- (8) Register with the ~~examining committee~~Committee of Bar Examiners, and maintain such records (available for inspection by the ~~examining committee~~Committee of Bar Examiners) and file with the ~~examining committee~~Committee of Bar Examiners such reports, notices, and certifications as may be required by the rules of the ~~examining committee~~Committee of Bar Examiners.

*(Subd (b) amended effective January 1, 2007; previously amended effective April 2, 1984.)*

**(c) Requirements for unaccredited law schools outside the state**

A law school in the United States that is outside the state of California and is not accredited by the ~~examining committee~~Committee of Bar Examiners must:

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- (1) Be authorized to confer professional degrees by the law of the state in which it is located;
- (2) Comply with (b)(2), (3), (4), (5), (7), and (8) of this rule; and
- (3) Own and maintain a library that is comparable in content to that specified in (b)(6) of this rule.

*(Subd (c) amended effective January 1, 2007; previously amended effective April 2, 1984.)*

**(d) Registration and reports**

A correspondence law school must register with the ~~examining committee~~Committee of Bar Examiners and file such reports, notices, and certifications as may be required by the rules of the ~~examining committee~~Committee of Bar Examiners concerning any person whose mailing address is in the state of California or whose application to, contract with, or correspondence with or from the law school indicates that the instruction by correspondence is for the purpose or with the intent of qualifying that person for admission to practice law in California.

*(Subd (d) amended effective January 1, 2007.)*

**(e) Inspections**

The ~~examining committee~~Committee of Bar Examiners may make such inspection of law schools not accredited by the committee or correspondence schools as may be necessary or proper to give effect to the provisions of Business and Professions Code section 6060, this rule, and the rules of the ~~examining committee~~Committee of Bar Examiners.

*(Subd (e) amended effective January 1, 2007.)*

**(f) Application**

This rule does not apply to any person who, on the effective date of the rule, had commenced the study of law in a manner authorized by Business and Professions Code section 6060(e) and registered as a law student before January 1, 1976 (as provided in Business and Professions Code section 6060(d) and otherwise satisfies the requirements of Business and Professions Code section 6060(e), provided that after January 1, 1976, credit will be given such person for any study in an unaccredited law school or by correspondence only if the school complies with the requirements of (b)(8) or (d) of this rule, whichever is applicable, and permits inspection under (e) of this rule.

*(Subd (f) amended effective January 1, 2007.)*

*Rule 9.30 amended effective January 1, 2019; adopted as rule 957 by the Supreme Court effective October 8, 1975; previously amended effective April 2, 1984; previously amended and renumbered effective January 1, 2007.*

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**Rule 9.31. Minimum continuing legal education**

**(a) Statutory authorization**

This rule is adopted under Business and Professions Code section 6070.

*(Subd (a) amended effective January 1, 2007.)*

**(b) State Bar minimum continuing legal education program**

The State Bar must establish and administer a minimum continuing legal education program under rules adopted by the Board of Trustees ~~of the State Bar~~. These rules may provide for carryforward of excess credit hours, staggering of the education requirement for implementation purposes, and retroactive credit for legal education.

*(Subd (b) amended effective August 1, 2017; previously amended effective September 27, 2000, and January 1, 2007.)*

**(c) Minimum continuing legal education requirements**

Each active licensee of the State Bar (1) not exempt under Business and Professions Code section 6070, (2) not a full-time employee of the United States Government, its departments, agencies, and public corporations, acting within the scope of his or her employment, and (3) not otherwise exempt under rules adopted by the Board of Trustees ~~of the State Bar~~, must, within 36-month periods designated by the State Bar, complete at least 25 hours of legal education approved by the State Bar or offered by a State Bar-approved provider. Four of those hours must address legal ethics. Licensees may be required to complete legal education in other specified areas within the 25-hour requirement under rules adopted by the State Bar. Each active licensee must report his or her compliance to the State Bar under rules adopted by the Board of Trustees ~~of the State Bar~~.

*(Subd (c) amended effective August 1, 2019; previously amended effective September 27, 2000, January 1, 2007, and August 1, 2017.)*

**(d) Failure to comply with program**

A licensee of the State Bar who fails to satisfy the requirements of the State Bar's minimum continuing legal education program must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees ~~of the State Bar~~.

*(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007, and August 1, 2017.)*

**(e) Fees and penalties**

The State Bar has the authority to set and collect appropriate fees and penalties.

*(Subd (e) amended effective January 1, 2007.)*

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**(f) One-time expungement of a record of inactive enrollment for failure to comply with program**

The State Bar is authorized to expunge a public record of a period of inactive enrollment for failure to comply with the minimum continuing legal education program for those licensees who meet all of the following criteria:

- (1) The licensee has not on any previous occasion obtained an expungement under the terms of this rule or rule ~~9-69.8(b)~~;
- (2) The period of inactive enrollment was for 90 days or less;
- (3) The period of inactive enrollment ended at least seven years before the date of expungement;
- (4) The licensee has no other record of suspension or involuntary inactive enrollment for discipline or otherwise.

*(Subd (f) amended effective January 1, 2019; adopted effective August 1, 2017.)*

**(g) Records to be maintained by State Bar**

Under (f) of this rule, the State Bar will remove or delete the record of such period of inactive enrollment from the licensee's record. Notwithstanding any other provision of this rule, the State Bar must maintain such internal records as are necessary to apply the terms of (f) of this rule and to report to the Commission on Judicial Nominees Evaluation or appropriate governmental entities involved in judicial elections the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15.

*(Subd (g) amended effective January 1, 2019; adopted effective August 1, 2017.)*

**(h) Duty of disclosure by licensee**

Expungement of the record of a licensee's period of inactive enrollment under (f) of this rule will not relieve the licensee of his or her duty to disclose the period of inactive enrollment for purpose of determining the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15. For all other purposes, the record of inactive enrollment expunged under (f) of this rule is deemed not to have occurred and the licensee may answer accordingly any question relating to his or her record.

*(Subd (h) amended effective January 1, 2019; adopted effective August 1, 2017.)*

*Rule 9.31 amended effective January 1, 2019; adopted as rule 958 effective December 6, 1990; previously amended effective December 25, 1992; previously amended by the Supreme Court effective September 27, 2000; previously amended and renumbered as rule 9.31 effective January 1, 2007; previously amended effective August 1, 2017.*

**Rule 9.32. New Attorney Training**

**(a) State Bar New Attorney Training**

The State Bar must establish and administer a New Attorney Training program under rules adopted by the Board of Trustees of the State Bar, including Rules of the State Bar of California, ~~Rules~~rules 2:140-2:144.

**(b) State Bar New Attorney Training requirements**

All new licensees of the State Bar must, by the last day of the month of their one year anniversary as a State Bar licensee, complete the New Attorney Training program and report having done so as provided in Rules of the State Bar of California, ~~Rule~~rule 2:141.

**(c) Failure to comply with program**

A licensee of the State Bar who fails to satisfy the requirements of the State Bar New Attorney Training program will be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar, including Rules of the State Bar of California, ~~Rules~~rules 2:150-2:153.

**(d) Fees and penalties**

The State Bar has the authority to set and collect appropriate fees and penalties.

*Rule 9.32 adopted effective January 1, 2024.*

**Division 4. Appearances and Practice by Individuals Who Are Not Licensees of the State Bar of California**

***Rule 9.40. Counsel pro hac vice***

***Rule 9.41. Appearances by military counsel***

***Rule 9.41.1. Registered military spouse attorney***

***Rule 9.42. Certified law students***

***Rule 9.43. Out-of-state attorney arbitration counsel***

***Rule 9.44. Registered foreign legal consultant***

***Rule 9.45. Registered legal aid attorneys***

***Rule 9.46. Registered in-house counsel***

***Rule 9.47. Attorneys practicing law temporarily in California as part of litigation***

***Rule 9.48. Nonlitigating attorneys temporarily in California to provide legal services***

***Rule 9.49. Provisional Licensure of 2020 Law School Graduates***

***Rule 9.49.1 Provisional Licensure with Pathway to Full Licensure for Certain Individuals***

**Rule 9.40. Counsel pro hac vice**

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**(a) Eligibility**

A person who is not a licensee of the State Bar of California but who is an attorney in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in a particular cause pending in a court of this state, may in the discretion of such court be permitted upon written application to appear as counsel *pro hac vice*, provided that an active licensee of the State Bar of California is associated as attorney of record. No person is eligible to appear as counsel *pro hac vice* under this rule if the person is:

- (1) A resident of the State of California;
- (2) Regularly employed in the State of California; or
- (3) Regularly engaged in substantial business, professional, or other activities in the State of California.

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(b) Repeated appearances as a cause for denial**

Absent special circumstances, repeated appearances by any person under this rule is a cause for denial of an application.

*(Subd (b) lettered effective January 1, 2007; adopted as part of subd (a) effective September 13, 1972.)*

**(c) Application**

- (1) *Application in superior court*

A person desiring to appear as counsel *pro hac vice* in a superior court must file with the court a verified application together with proof of service by mail in accordance with Code of Civil Procedure section 1013a of a copy of the application and of the notice of hearing of the application on all parties who have appeared in the cause and on the State Bar of California at its San Francisco office. The notice of hearing must be given at the time prescribed in Code of Civil Procedure section 1005 unless the court has prescribed a shorter period.

- (2) *Application in Supreme Court or Court of Appeal*

An application to appear as counsel *pro hac vice* in the Supreme Court or a Court of Appeal must be made as provided in rule 8.54, with proof of service on all parties who have appeared in the cause and on the State Bar of California at its San Francisco office.

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*(Subd (c) amended and relettered effective January 1, 2007; adopted as part of subd (b) effective September 13, 1972; subd (b) previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, and March 15, 1991.)*

**(d) Contents of application**

The application must state:

- (1) The applicant's residence and office address;
- (2) The courts to which the applicant has been admitted to practice and the dates of admission;
- (3) That the applicant is a licensee in good standing in those courts;
- (4) That the applicant is not currently suspended or disbarred in any court;
- (5) The title of each court and cause in which the applicant has filed an application to appear as counsel *pro hac vice* in this state in the preceding two years, the date of each application, and whether or not it was granted; and
- (6) The name, address, and telephone number of the active licensee of the State Bar of ~~California~~ who is attorney of record.

*(Subd (d) amended effective January 1, 2019; adopted as part of subd (b) effective September 13, 1972; subd (b) previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, and March 15, 1991; previously amended and lettered effective January 1, 2007.)*

**(e) Fee for application**

The State Bar of ~~California~~ may set an appropriate application fee to be paid by counsel *pro hac vice*.

*(Subd (e) amended effective July 24, 2024; adopted as subd (c) effective September 3, 1986; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(f) Counsel *pro hac vice* subject to jurisdiction of courts and State Bar**

A person permitted to appear as counsel *pro hac vice* under this rule is subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a licensee of the State Bar of ~~California~~. The counsel *pro hac vice* must familiarize himself or herself and comply with the standards of professional conduct required of licensees of the State Bar of ~~California~~ and will be subject to the disciplinary jurisdiction of the State Bar of ~~California~~ with respect to any of his or her acts occurring in the course of such appearance. Article 5 of chapter 4, division 3, of the Business and Professions Code and the Rules of Procedure of the State Bar govern in any investigation or proceeding conducted by the State Bar of ~~California~~ under this rule.

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*(Subd (f) amended effective July 24, 2024; previously relettered as subd (d) effective September 3, 1986; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(g) Representation in cases governed by the Indian Child Welfare Act (25 U.S.C. § 1903 et seq.)**

- (1) The requirement in (a) that the applicant associate with an active licensee of the State Bar of California does not apply to an applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act; and
- (2) An applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act constitutes a special circumstance for the purposes of the restriction in (b) that an application may be denied because of repeated appearances.

*(Subd (g) adopted effective January 1, 2019.)*

**(h) Supreme Court and Court of Appeal not precluded from permitting argument in a particular case**

This rule does not preclude the Supreme Court or a Court of Appeal from permitting argument in a particular case from a person who is not a licensee of the State Bar of California, but who is licensed to practice in another jurisdiction and who possesses special expertise in the particular field affected by the proceeding.

*(Subd (h) amended effective July 24, 2024; previously relettered as subd (e) effective September 3, 1986; previously amended and relettered as subd (g) effective January 1, 2007; previously amended and relettered as subd (h) effective January 1, 2007.)*

**(i) Inherent Power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (i) adopted effective July 24, 2024.)*

*Rule 9.40 amended effective July 24, 2024; adopted as rule 983 by the Supreme Court effective September 13, 1972; previously amended and renumbered effective January 1, 2007; previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, March 15, 1991, and January 1, 2019.*

**Rule 9.41. Appearances by military counsel**

**(a) Permission to appear**

A judge advocate (as that term is defined at 10 U.S.C. §801(13)) who is not a licensee of the State Bar of California but who is an attorney in good standing of and eligible to

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practice before the bar of any United States court or of the highest court in any state, territory, or insular possession of the United States may, in the discretion of a court of this state, be permitted to appear in that court to represent a person in the military service in a particular cause pending before that court, under the Servicemembers Civil Relief Act, 50 United States Code Appendix section 501 et seq., if:

- (1) The judge advocate has been made available by the cognizant Judge Advocate General (as that term is defined at 10 United States Code section 801(1)) or a duly designated representative; and
- (2) The court finds that retaining civilian counsel likely would cause substantial hardship for the person in military service or that person's family; and
- (3) The court appoints a judge advocate as attorney to represent the person in military service under the Servicemembers Civil Relief Act.

Under no circumstances is the determination of availability of a judge advocate to be made by any court within this state, or reviewed by any court of this state. In determining the likelihood of substantial hardship as a result of the retention of civilian counsel, the court may take judicial notice of the prevailing pay scales for persons in the military service.

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(b) Notice to parties**

The clerk of the court considering appointment of a judge advocate under this rule must provide written notice of that fact to all parties who have appeared in the cause. A copy of the notice, together with proof of service by mail in accordance with Code of Civil Procedure section 1013a, must be filed by the clerk of the court. Any party who has appeared in the matter may file a written objection to the appointment within 10 days of the date on which notice was given unless the court has prescribed a shorter period. If the court determines to hold a hearing in relation to the appointment, notice of the hearing must be given at least 10 days before the date designated for the hearing unless the court has prescribed a shorter period.

*(Subd (b) amended effective January 1, 2007.)*

**(c) Appearing judge advocate subject to court and State Bar jurisdiction**

A judge advocate permitted to appear under this rule is subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as licensee of the State Bar of California. The judge advocate must become familiar with and comply with the standards of professional conduct required of licensees of the State Bar of California and is subject to the disciplinary jurisdiction of the State Bar of California. Division 3, chapter 4, article 5 of the Business and Professions Code and the Rules of Procedure of the State Bar of California govern any investigation or proceeding conducted by the State Bar under this rule.

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*(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(d) Appearing judge advocate subject to rights and obligations of State Bar licensees concerning professional privileges**

A judge advocate permitted to appear under this rule is subject to the rights and obligations with respect to attorney-client privilege, work-product privilege, and other professional privileges to the same extent as a licensee of the State Bar of California.

*(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

*Rule 9.41 amended effective January 1, 2019; adopted as rule 983.1 by the Supreme Court effective February 19, 1992; adopted by the Judicial Council effective February 21, 1992; amended and renumbered effective January 1, 2007.*

**Rule 9.43. Out-of-state attorney arbitration counsel**

**(a) Definition**

An “out-of-state attorney arbitration counsel” is an attorney who is:

- (1) Not a licensee of the State Bar of California but who is an attorney in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in the course of, or in connection with, an arbitration proceeding in this state;
- (2) Has served a certificate in accordance with the requirements of Code of Civil Procedure section 1282.4 on the arbitrator, the arbitrators, or the arbitral forum, the State Bar of California, and all other parties and counsel in the arbitration whose addresses are known to the attorney; and
- (3) Whose appearance has been approved by the arbitrator, the arbitrators, or the arbitral forum.

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(b) State Bar out-of-state attorney arbitration counsel program**

The State Bar of California must establish and administer a program to implement the State Bar of California's responsibilities under Code of Civil Procedure section 1282.4. The State Bar of California's program may be operative only as long as the applicable provisions of Code of Civil Procedure section 1282.4 remain in effect.

*(Subd (b) amended effective January 1, 2007.)*

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**(c) Eligibility to appear as an out-of-state attorney arbitration counsel**

To be eligible to appear as an out-of-state attorney arbitration counsel, an attorney must comply with all of the applicable provisions of Code of Civil Procedure section 1282.4 and the requirements of this rule and the related rules and regulations adopted by the State Bar of California.

*(Subd (c) amended effective January 1, 2007.)*

**(d) Discipline**

An out-of-state attorney arbitration counsel who files a certificate containing false information or who otherwise fails to comply with the standards of professional conduct required of licensees of the State Bar of California is subject to the disciplinary jurisdiction of the State Bar of California with respect to any of his or her acts occurring in the course of the arbitration.

*(Subd (d) amended effective July 24, 2024; previously amended effective January 1, 2007; and January 1, 2019.)*

**(e) Disqualification**

Failure to timely file and serve a certificate or, absent special circumstances, appearances in multiple separate arbitration matters are grounds for disqualification from serving in the arbitration in which the certificate was filed.

*(Subd (e) amended effective January 1, 2007.)*

**(f) Fee**

The State Bar of California may set an appropriate application fee to be paid by the out-of-state attorney arbitration counsel.

*(Subd (f) amended effective July 24, 2024; previously amended effective January 1, 2007.)*

**(g) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (g) amended effective July 24, 2024; previously amended effective January 1, 2007.)*

*Rule 9.43 amended effective July 24, 2024; adopted as rule 983.4 by the Supreme Court effective July 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

**Rule 9.44. Registered foreign legal consultant**

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**(a) Definition**

A “registered foreign legal consultant” is a person who:

- (1) Is admitted to practice and is in good standing as an attorney or counselor-at-law or the equivalent in a foreign country; and
- (2) Has a currently effective certificate of registration as a registered foreign legal consultant from the State Bar.

*(Subd (a) amended effective January 1, 2007.)*

**(b) State Bar registered foreign legal consultant program**

The State Bar must establish and administer a program for registering foreign attorneys or counselors-at-law or the equivalent under rules adopted by the Board of Trustees of the State Bar.

*(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(c) Eligibility for certification**

To be eligible to become a registered foreign legal consultant, an applicant must:

- (1) Present satisfactory proof that the applicant has been admitted to practice and has been in good standing as an attorney or counselor-at-law or the equivalent in a foreign country for at least four of the six years immediately preceding the application and, while so admitted, has actually practiced the law of that country;
- (2) Present satisfactory proof that the applicant possesses the good moral character requisite for a person to be licensed as a licensee of the State Bar of California and proof of compliance with California Rules of Court, rule 9.9.5, governing attorney fingerprinting;
- (3) Agree to comply with the provisions of the rules adopted by the Board of Trustees of the State Bar relating to security for claims against a foreign legal consultant by his or her clients;
- (4) Agree to comply with the provisions of the rules adopted by the Board of Trustees of the State Bar relating to maintaining an address of record for State Bar purposes;
- (5) Agree to notify the State Bar of any change in his or her status in any jurisdiction where he or she is admitted to practice or of any discipline with respect to such admission;
- (6) Agree to be subject to the jurisdiction of the courts of this state with respect to the laws of the State of California governing the conduct of attorneys, to the same extent as a licensee of the State Bar of California;

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- (7) Agree to become familiar with and comply with the standards of professional conduct required of licensees of the State Bar of California;
- (8) Agree to be subject to the disciplinary jurisdiction of the State Bar of California;
- (9) Agree to be subject to the rights and obligations with respect to attorney client privilege, work-product privilege, and other professional privileges, to the same extent as attorneys admitted to practice law in California; and
- (10) Agree to comply with the laws of the State of California, the rules and regulations of the State Bar of California, and these rules.

*(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(d) Authority to practice law**

Subject to all applicable rules, regulations, and statutes, a registered foreign legal consultant may render legal services in California, except that he or she may not:

- (1) Appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;
- (2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;
- (3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;
- (4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or
- (5) Otherwise render professional legal advice on the law of the State of California, any other state of the United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction named in satisfying the requirements of (c) of this rule, whether rendered incident to preparation of legal instruments or otherwise.

*(Subd (d) amended effective January 1, 2007.)*

**(e) Failure to comply with program**

A registered foreign legal consultant who fails to comply with the requirements of the State Bar Registered Foreign Legal Consultant Program will have her or his certification suspended or revoked under rules adopted by the Board of Trustees of the State Bar.

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*(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(f) Fee and penalty**

The State Bar has the authority to set and collect appropriate fees and penalties for this program.

*(Subd (f) amended effective January 1, 2007.)*

**(g) Inherent power of Supreme Court**

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (g) amended effective January 1, 2007.)*

*Rule 9.44 amended effective January 1, 2019; adopted as rule 988 effective December 1, 1993; previously amended and renumbered effective January 1, 2007.*

**Rule 9.45. Registered legal aid attorneys**

**(a) Definitions**

The following definitions apply in this rule:

(1) “Eligible legal aid organization” means any of the following:

- (A) A nonprofit entity in good standing in California and in the state in which it is incorporated, if other than California, that provides legal aid in civil matters, including family law and immigration law, to indigent and disenfranchised persons, especially underserved client groups, such as the elderly, persons with disabilities, people of color, juveniles, and persons with limited English proficient persons proficiency; or
- (B) A nonprofit law school approved by the American Bar Association located in California or accredited by the State Bar of California that provides legal aid as described above in subdivision (A); or
- (C) ~~Entities~~ An entity that receive receives IOLTA funds pursuant to Business and Professions Code, section 6210, et seq., ~~are deemed to be eligible legal aid organizations.~~

(2) “Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who:

- (A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not

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been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and

- (B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law as a registered legal aid attorney in California.

*(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(b) Scope of practice**

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule may practice law in California only while working, with or without pay, at an eligible legal aid organization, as defined in this rule, and, at that institution and only on behalf of its clients or customers, may engage, under supervision, in all forms of legal practice that are permissible for a licensee of the State Bar of California.

*(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(c) Requirements**

For an attorney to qualify to practice law under this rule, the attorney must:

- (1) Be an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;
- (2) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;
- (3) Comply with the rules adopted by the Board of Trustees relating to the State Bar Registered Legal Aid Attorney Program;
- (4) Practice law under the supervision of an attorney who is employed by the eligible legal aid organization and who is a licensee in good standing of the State Bar of California;

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- (5) Abide by all of the laws and rules that govern licensees of the State Bar of California, including the Minimum Continuing Legal Education (MCLE) requirements;
- (6) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar of California must complete every three years and, thereafter, satisfy the MCLE requirements for the registered legal aid attorney's compliance group as set forth in State Bar Rules 2.70 and 2.71. If the registered legal aid attorney's compliance group is required to report in less than thirty-six months, the MCLE requirements will be reduced proportionally; and
- (7) Not have taken and failed the California bar examination within five years immediately preceding initial application to register under this rule.

*(Subd (c) amended and renumbered effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(d) Application**

The attorney must comply with the following registration requirements:

- (1) Register as a legal aid attorney; submit a separate application for each eligible legal aid organization; file an Application for Determination of Moral Character with the State Bar of California; and comply with Rules of Court, rule 9.9.5, governing attorney fingerprinting;
- (2) Submit to the State Bar of California a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or she will not practice law in California other than under supervision of an attorney at an eligible legal aid organization during the time he or she practices law as a registered legal aid attorney in California; and
- (3) Submit to the State Bar of California a declaration signed by a qualifying supervisor on behalf of the from each eligible legal aid organization in California. The declaration must attesting:
  - (i) that the applicant will work, with or without pay, as an attorney for the organization;
  - (ii) that the applicant will be supervised as specified in this rule;
  - (iii) that the eligible legal aid organization and the supervising attorney assume professional responsibility for any work performed by the applicant under this rule;

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- (iv) that the organization will notify the State Bar of California within 30 days of the cessation of the applicant's employment with that employer in California; and
- (v) that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

*(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(e) Duration of practice**

A registered legal aid attorney must renew his or her registration annually and may practice for no more than a total of five years under this rule.

*(Subd (e) amended effective March 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(f) Application and registration fees**

The State Bar of California may set appropriate application fees and initial and annual registration fees to be paid by registered legal aid attorneys.

*(Subd (f) amended effective March 1, 2019; adopted as subd (e) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)*

**(g) State Bar Registered Legal Aid Attorney Program**

The State Bar may establish and administer a program for registering California legal aid attorneys under rules adopted by the Board of Trustees of the State Bar.

*(Subd (g) amended effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(h) Supervision**

To meet the requirements of this rule, an attorney supervising a registered legal aid attorney:

- (1) Must have practiced law as a full-time occupation for at least four years in any United States jurisdiction;
- (2) Must have actively practiced law in California for at least two years immediately preceding the time of supervision and be a licensee in good standing of the State Bar of California;

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- (3) Must assume professional responsibility for any work that the registered legal aid attorney performs under the supervising attorney's supervision;
- (4) Must assist, counsel, and provide direct supervision of the registered legal aid attorney in the activities authorized by this rule, approve in writing any appearance in court, deposition, arbitration or any proceeding by the registered legal aid attorney, and review such activities with the supervised registered legal aid attorney, to the extent required for the protection of the client or customer;
- (5) Must read, approve, and personally sign any pleadings, briefs, or other similar documents prepared by the registered legal aid attorney before their filing, and must read and approve any documents prepared by the registered legal aid attorney before their submission for execution; and
- (6) May, in his or her absence, designate another attorney meeting the requirements of (1) through (5) to provide the supervision required under this rule.

*(Subd (h) amended and renumbered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(i) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (i) amended and relettered effective January 1, 2007; adopted as subd (h) effective November 15, 2004.)*

**(j) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*(Subd (j) amended effective January 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered effective January 1, 2007.)*

*Rule 9.45 amended effective March 1, 2019; adopted as rule 964 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

**Rule 9.46. Registered in-house counsel**

**(a) Definitions**

The following definitions apply to terms used in this rule:

- (1) "Qualifying institution" means a corporation, a partnership, an association, or other legal entity, including its subsidiaries and organizational affiliates, which has an

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office located in California. Neither a governmental entity nor an entity that provides legal services to others can be a qualifying institution for purposes of this rule. A qualifying institution must:

- (A) Employ at least 5 full time employees; or
  - (B) Employ in California an attorney who is an active licensee in good standing of the State Bar of California.
- (2) “Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who:
- (A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and
  - (B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency, other than California, while practicing law as registered in-house counsel in California.

*(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(b) Scope of practice**

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule is:

- (1) Permitted to provide legal services in California only to the qualifying institution that employs him or her;
- (2) Permitted to provide *pro bono* legal services under supervision of a California attorney for either eligible legal aid organizations as defined by Rules of Court, rule 9.45(a)(1), or the qualifying institution that employs him or her;
- (3) Not permitted to make court appearances in California state courts or to engage in any other activities for which *pro hac vice* admission is required if they are performed in California by an attorney who is not a licensee of the State Bar of California; and
- (4) Not permitted to provide personal or individual representation to any customers, shareholders, owners, partners, officers, employees, servants, or agents of the qualifying institution, except as described in subdivision (b)(2).

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*(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(c) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Be an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;
- (2) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;
- (3) Comply with the rules adopted by the Board of Trustees relating to the State Bar Registered In-House Counsel Program;
- (4) Practice law exclusively for a single qualifying institution, except that, while practicing under this rule, the attorney may provide pro bono services through eligible legal aid organizations;
- (5) Abide by all of the laws and rules that govern licensees of the State Bar of California, including the Minimum Continuing Legal Education (MCLE) requirements;
- (6) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar of California must complete every three years and, thereafter, satisfy the MCLE requirements for the registered in-house counsel's compliance group as set forth in State Bar Rules 2.70 and 2.71. If the registered in-house counsel's compliance group is required to report in less than thirty-six months, the MCLE requirement will be reduced proportionally; and
- (7) Reside in California.

*(Subd (c) amended effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(d) Application**

The attorney must comply with the following registration requirements:

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- (1) Register as an in-house counsel; submit an application for the qualifying institution; file an Application for Determination of Moral Character with the State Bar of California; and comply with Rules of Court, rule 9.9.5. governing attorney fingerprinting;
- (2) Submit a supplemental form identifying the eligible legal aid organizations as defined by Rules of Court, rule 9.45(a)(1) and the supervising attorney, through which an in-house counsel intends to provide *pro bono* services, if applicable;
- (3) Submit to the State Bar of California a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or she will not practice law in California other than on behalf of the qualifying institution during the time he or she is registered in-house counsel in California, except if supervised, a registered in-house counsel may provide pro bono services through eligible legal aid organization; and
- (4) Submit to the State Bar of California a declaration signed by an officer, a director, or a general counsel of the applicant's employer, on behalf of the applicant's employer. The declaration must attest:
  - (i) that the applicant is employed as an attorney for the employer;
  - (ii) that the nature of the employment conforms to the requirements of this rule;
  - (iii) that the employer will notify the State Bar of California within 30 days of the cessation of the applicant's employment in California; and
  - (iv) that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

*(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(e) Duration of practice**

A registered in-house counsel must renew his or her registration annually. There is no limitation on the number of years in-house counsel may register under this rule. Registered in-house counsel may practice law under this rule only for as long as he or she remains employed by the same qualifying institution that provided the declaration in support of his or her application. If an attorney practicing law as registered in-house counsel leaves the employment of his or her employer or changes employers, he or she must notify the State Bar of California within 30 days. If an attorney wishes to practice law under this rule for a new employer, he or she must first register as in-house counsel for that employer.

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*(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d) effective November 15, 2004.)*

**(f) Application and registration fees**

The State Bar of California may set appropriate application fees and initial and annual registration fees to be paid by registered in-house counsel.

*(Subd (f) relettered effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously amended and relettered as subd (g) effective January 1, 2007.)*

**(g) State Bar Registered In-House Counsel Program**

The State Bar must establish and administer a program for registering California in-house counsel under rules adopted by the Board of Trustees.

*(Subd (g) relettered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously amended and relettered as subd (h) effective January 1, 2007; previously amended effective January 1, 2019.)*

**(h) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (h) relettered effective March 1, 2019; adopted as subd (h) effective November 15, 2004; previously amended and relettered as subd (i) effective January 1, 2007.)*

**(i) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*(Subd (i) relettered effective March 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered as subd (j) effective January 1, 2007; previously amended effective January 1, 2019.)*

*Rule 9.46 amended effective March 1, 2019; adopted as rule 965 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

**Rule 9.47. Attorneys practicing law temporarily in California as part of litigation**

**(a) Definitions**

The following definitions apply to the terms used in this rule:

- (1) "A formal legal proceeding" means litigation, arbitration, mediation, or a legal action before an administrative decision-maker.

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- (2) “Authorized to appear” means the attorney is permitted to appear in the proceeding by the rules of the jurisdiction in which the formal legal proceeding is taking place or will be taking place.
- (3) “Active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who meets all of the following criteria:
  - (A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law; who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction; and
  - (B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency while practicing law under this rule; and.
  - ~~(C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.~~

*(Subd (a) amended effective January 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(b) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;
- (2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a potential client, at the potential client’s request, to assist the client in deciding whether to retain the attorney;
- (3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a licensee of the State Bar of California or that the attorney is admitted to practice law only in the states listed; and
- (4) Be an active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

*(Subd (b) amended effective January 1, 2019; adopted as subd (a) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(c) Permissible activities**

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An attorney meeting the requirements of this rule, who complies with all applicable rules, regulations, and statutes, is not engaging in the unauthorized practice of law in California if the attorney's services are part of:

- (1) A formal legal proceeding that is pending in another jurisdiction and in which the attorney is authorized to appear;
- (2) A formal legal proceeding that is anticipated but is not yet pending in California and in which the attorney reasonably expects to be authorized to appear;
- (3) A formal legal proceeding that is anticipated but is not yet pending in another jurisdiction and in which the attorney reasonably expects to be authorized to appear;  
or
- (4) A formal legal proceeding that is anticipated or pending and in which the attorney's supervisor is authorized to appear or reasonably expects to be authorized to appear.

The attorney whose anticipated authorization to appear in a formal legal proceeding serves as the basis for practice under this rule must seek that authorization promptly after it becomes possible to do so. Failure to seek that authorization promptly, or denial of that authorization, ends eligibility to practice under this rule.

*(Subd (c) relettered effective January 1, 2007; adopted as subd (b) effective November 15, 2004.)*

**(d) Restrictions**

To qualify to practice law in California under this rule, an attorney must not:

- (1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;
- (2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;
- (3) Be a resident of California;
- (4) Be regularly employed in California;
- (5) Regularly engage in substantial business or professional activities in California; or
- (6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

*(Subd (d) relettered effective January 1, 2007; adopted as subd (c) effective November 15, 2004.)*

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**(e) Conditions**

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

- (1) The jurisdiction of the State Bar of California;
- (2) The jurisdiction of the courts of this state to the same extent as is a licensee of the State Bar of California; and
- (3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar of California, and these rules.

*(Subd (e) amended effective January 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(f) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (e) effective November 15, 2004.)*

**(g) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*(Subd (g) amended effective January 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007.)*

*Rule 9.47; amended effective January 1, 2019; adopted as rule 966 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007.*

**Rule 9.48. Nonlitigating attorneys temporarily in California to provide legal services**

**(a) Definitions**

The following definitions apply to terms used in this rule:

- (1) “A transaction or other nonlitigation matter” includes any legal matter other than litigation, arbitration, mediation, or a legal action before an administrative decision-maker.

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- (2) “Active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who meets all of the following criteria:
- (A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law; who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction; and
  - (B) Remains an active attorney in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law under this rule; ~~and.~~
  - ~~(C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.~~

*(Subd (a) amended effective January 1, 2019; adopted as subd (h) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(b) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;
- (2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a potential client, at the potential client’s request, to assist the client in deciding whether to retain the attorney;
- (3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a licensee of the State Bar of California or that the attorney is admitted to practice law only in the states listed; and
- (4) Be an active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

*(Subd (b) amended effective January 1, 2019; adopted as subd (a) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(c) Permissible activities**

An attorney who meets the requirements of this rule and who complies with all applicable rules, regulations, and statutes is not engaging in the unauthorized practice of law in California if the attorney:

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- (1) Provides legal assistance or legal advice in California to a client concerning a transaction or other nonlitigation matter, a material aspect of which is taking place in a jurisdiction other than California and in which the attorney is licensed to provide legal services;
- (2) Provides legal assistance or legal advice in California on an issue of federal law or of the law of a jurisdiction other than California to attorneys licensed to practice law in California; or
- (3) Is an employee of a client and provides legal assistance or legal advice in California to the client or to the client's subsidiaries or organizational affiliates.

*(Subd (c) relettered effective January 1, 2007; adopted as subd (b) effective November 15, 2004.)*

**(d) Restrictions**

To qualify to practice law in California under this rule, an attorney must not:

- (1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;
- (2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;
- (3) Be a resident of California;
- (4) Be regularly employed in California;
- (5) Regularly engage in substantial business or professional activities in California; or
- (6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

*(Subd (d) amended and relettered effective January 1, 2007; adopted as subd (c) effective November 15, 2004.)*

**(e) Conditions**

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

- (1) The jurisdiction of the State Bar of California;
- (2) The jurisdiction of the courts of this state to the same extent as is a licensee of the State Bar of California; and

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- (3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar of California, and these rules.

*(Subd (e) amended effective January 1, 2019; adopted as subd (d) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)*

**(f) Scope of practice**

An attorney is permitted by this rule to provide legal assistance or legal services concerning only a transaction or other nonlitigation matter.

*(Subd (f) relettered effective January 1, 2007; adopted as subd (e) effective November 15, 2004.)*

**(g) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (g) amended and relettered effective January 1, 2007; adopted as subd (f) effective November 15, 2004.)*

**(h) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*(Subd (h) amended effective January 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007.)*

*Rule 9.48 amended effective January 1, 2019; adopted as rule 967 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007.*

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**Title 9. Rules on Law Practice, Attorneys, and Judges**

**Division 2. Admission and Discipline of Attorneys and Review of State Bar Proceedings**

**Chapter 1. General Provisions**

***Rule 9.1. Definitions***

**Rule 9.1. Definitions**

As used in this division, unless the context otherwise requires:

- (1) “State Bar” means the State Bar of California as established under Article VI, Section 9 of the California Constitution and Business and Professions Code section 6001.
- (2) “Licensee” means a person licensed by the State Bar to practice law in this state.
- (3) “Board of Trustees” means the Board of Trustees of the State Bar of California established under Business and Professions Code section 6010.
- (4) “Committee of Bar Examiners” means the committee established by the Board of Trustees of the State Bar under Business and Professions Code section 6046.
- (5) “State Bar Court” means the Hearing Department or the Review Department established under Business and Professions Code sections 6079.1 and 6086.65.
- (6) “Hearing Department” means the Hearing Department of the State Bar Court established under Business and Professions Code section 6079.1.
- (7) “Review Department” means the Review Department of the State Bar Court established under Business and Professions Code section 6086.65.
- (8) “General Counsel” means the general counsel of the State Bar of California appointed under Business and Professions Code section 6012.
- (9) “Chief Trial Counsel” means the chief trial counsel of the State Bar of California appointed under Business and Professions Code section 6079.5.

*Rule 9.1 amended effective January 1, 2019; adopted as rule 950 effective December 1, 1990; previously amended and renumbered as rule 9.5 effective January 1, 2007; previously renumbered as 9.1 effective January 1, 2018.*

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**Chapter 2. Attorney Admissions**

*Rule 9.3. Inherent power of Supreme Court*

*Rule 9.4. Nomination and appointment of members to Committee of Bar Examiners*

*Rule 9.5. Authority of the Committee of Bar Examiners*

*Rule 9.6. The California bar examination*

*Rule 9.7. Oath required when admitted to practice law*

*Rule 9.8. Roll of attorneys admitted to practice*

*Rule 9.8.5. State Bar Client Trust Account Protection Program*

*Rule 9.9. Online reporting by attorneys*

*Rule 9.9.5. Fingerprinting of applicants and licensees*

**Rule 9.3. Inherent power of Supreme Court**

**(a) Inherent power over admissions**

The Supreme Court has the inherent power to admit persons to practice law in California. The State Bar serves as the administrative arm of the Supreme Court for admissions matters and in that capacity acts under the authority and at the direction of the Supreme Court.

**(b) Inherent jurisdiction over practice of law**

Nothing in this chapter may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in this state.

*Rule 9.3 amended effective January 1, 2019; adopted effective January 1, 2018.*

**Rule 9.4. Nomination and appointment of members to the Committee of Bar Examiners**

**(a) Appointments**

- (1) The Supreme Court is responsible for appointing ten examiners to the Committee of Bar Examiners for a term of four years with each full term commencing at the end of the Board of Trustees' September meeting.
- (2) The Supreme Court may fill any vacancies at any time. Vacancies shall be filled for the remainder of the four-year term vacated and such appointments do not count toward any term limits for the examiner filling the vacancy under (a)(5) of this rule.
- (3) At least one examiner must be a judicial officer in this state.

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- (4) The other examiners must be licensees, at least one of whom shall have been admitted to practice law in California within three years of the date of appointment.
- (5) With the exception of appointments to fill a partial term vacancy under (a)(2) of this rule, each examiner shall serve for a term of four years and may apply for reappointment by the Supreme Court for up to three additional full terms. Reappointments are at the discretion of the Supreme Court. Examiners may continue to serve beyond the expiration of their terms until their successors are appointed.
- (6) The Supreme Court shall select the chair and vice chair of the Committee of Bar Examiners. The terms of the chair and vice chair shall be one year ending at the conclusion of the Board of Trustees' September meeting.

*(Subd (a) amended effective January 1, 2019.)*

**(b) Nominations**

- (1) The Supreme Court may make its appointments from a list of candidates nominated by the Board of Trustees pursuant to a procedure approved by the court.
- (2) Candidates selected for nominations shall be screened for actual and potential conflicts of interest including any financial and nonfinancial interests that might affect or might be affected by the candidate's service as an examiner. Such conflicts may include being actively involved in any capacity related to a bar examination preparation business or in any other capacity to assist applicants in fulfilling the requirements for admission; or are actively serving as a member of the governing or other policy-making board or committee of a law school.

*Rule 9.4 amended effective January 1, 2019; adopted effective January 1, 2018.*

**Rule 9.5. Authority of the Committee of Bar Examiners**

**(a) Admissions**

The Committee of Bar Examiners, pursuant to the authority delegated to it by the Supreme Court and the Board of Trustees, is authorized to determine and administer the requirements for admission to practice law, to examine all applicants for admission, and to certify to the Supreme Court for admission those applicants who fulfill the admission requirements. Any changes recommended by the examiners to the prerequisites to be certified for admission to practice law must be reviewed and approved by the Board of Trustees and then submitted to the Supreme Court for its review and approval.

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**(b) Additional authority**

In furtherance of its duties under these rules, the Committee of Bar Examiners shall:

- (1) Have the power to conduct hearings on matters involving admissions and may take and hear relevant evidence, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of documents in accordance with Code of Civil Procedure section 1985 et seq.,
- (2) Regularly review the revenues and expenses for the admissions fund and propose a budget for the Office of Admissions, subject to review and approval by the Board of Trustees, prior to the adoption of a final budget pursuant to Business and Professions Code section 6140.1;
- (3) Recommend to the Executive Director of the State Bar any candidate under consideration for Chief of Admissions;
- (4) Regulate and oversee law schools conferring a juris doctor degree in California that are not accredited by the American Bar Association, as required by Business and Professions Code section 6060.7; and
- (5) Set fees related to admissions programs and related to the accreditation, registration, and inspection of law schools under (b)(4), subject to review and approval by the Board of Trustees.

**(c) Delegation of duties**

The Committee of Bar Examiners may delegate its duties described in this rule and rule 9.6 to a subcommittee of examiners, as necessary and where not prohibited by law or these rules. Unless otherwise stated in the delegation, the action of the subcommittee shall be the decision of the committee without further ratification. Actions taken by the subcommittee shall be reported to the full committee at the next regularly scheduled meeting.

*Rule 9.5 amended effective January 1, 2019; adopted effective January 1, 2018.*

**Rule 9.6. The California bar examination**

**(a) Administration of the exam**

The Committee of Bar Examiners is responsible for administering the bar examination, including its mode of administration, proctoring, format, scope, topics, content, and grading process. In carrying out these responsibilities, the committee:

- (1) May utilize the services of third parties, subject to review and approval by the Board of Trustees, to prepare bar examination questions, provided that the vendor has no financial interest in other matters that might create a conflict of interest

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with the State Bar or with the vendor's ability to draft fair and reliable exam questions. With the exception of examination questions provided by the National Conference of Bar Examiners, the attorney and judicial officer members of the committee, or their designated content validation panels, must review all new questions drafted for the examination before they are administered on a bar examination or released for use in any study guide;

- (2) Must develop, maintain, and publish qualification standards, subject to review and approval by the Supreme Court, for the committee's selection of panelists and subject matter experts for any content validation panels or standard setting panels designated by the committee to review new examination questions or to determine the recommended raw passing score for the bar examination;
- (3) Must develop, maintain, and publish standards for assessing the ability of any third-party vendor to administer and/or proctor the bar examination in any format (in-person, online, or hybrid), subject to review and approval by the Board of Trustees;
- (4) Must develop, maintain, and publish standards regarding bar examination testing accommodations, subject to review and approval by the Board of Trustees;
- (5) Must oversee the grading process of the bar examination and develop, maintain, and publish standards for grading, regrading, and for any scoring adjustments redressing exam administration irregularities, subject to review and approval by the Board of Trustees;
- (6) Must recommend any change to the passing score for the bar examination, subject to review and approval by the Supreme Court; and
- (7) Must consult with law school stakeholders on issues relating to the doctrines tested on the bar examination, the experience of examinees, and the effective design and delivery of exams.

*(Subd (a) amended effective January 1, 2019.)*

#### **(b) Analysis of costs and benefits of changes to the exam**

Any changes to the bar examination that require substantial modification to the training or preparation required for passage of the examination or that substantially modify the method by which the examination is administered must be approved by the Supreme Court. In proposing such changes, the Committee of Bar Examiners must conduct and submit a cost-benefit analysis to assess, if relevant:

- (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;

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- (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 the examinees;
- (3) Whether any new technological requirements or new fees to implement the proposed changes would place an undue financial burden on the examinees;
- (4) The estimated number of temporary and non-temporary full-time equivalent positions necessary to implement the proposed changes;
- (5) The estimated timeframe 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 examination.

**(c) Analysis of validity**

The Committee of Bar Examiners, subject to the review and approval of the Board of Trustees, must conduct an analysis of the validity of the bar examination and its passing score at least once every seven years, or whenever directed by the Supreme Court. The examiners must prepare and submit a report summarizing its findings and recommendations, if any, to the Board of Trustees and the Supreme Court. Any recommendations proposing significant changes to the topics and skills tested on the bar examination, and any recommended change to the passing score, must be submitted to the Supreme Court for its review and approval.

*(Subd (b) amended effective January 1, 2019.)*

**(d) Report on examination**

The Committee of Bar Examiners must provide the Supreme Court a report on each administration of the bar examination in a timely manner.

*Rule 9.6 amended effective January 1, 2019; adopted effective January 1, 2018.*

**Rule 9.9.5. Fingerprinting of applicants and licensees**

**(a) Fingerprinting of applicants for admission or reinstatement**

Applicants for admission or reinstatement to the practice of law in the State of California must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. The State Bar's use of that information shall be limited to the official use of the State Bar in establishing the identity of the applicant and in

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determining the character and fitness of the applicant for admission or reinstatement, and in discovering prior and subsequent criminal arrests of an applicant, licensee, or applicant for reinstatement.

**(b) Fingerprinting of active or inactive licensees**

Each active licensee must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. Failure to be fingerprinted, if required, may result in involuntary inactive enrollment of the licensee pursuant to Business and Professions Code section 6054, subdivision (e). An inactive licensee who has not previously submitted fingerprints under this rule must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted prior to being placed on active status. The fingerprints submitted under this rule will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification.

**(c) Special admissions attorneys**

Attorneys permitted to practice law in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46 must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. These fingerprints will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification. Failure to be fingerprinted, if required, may result in a State Bar determination that the attorney cease providing legal services in California.

**(d) Subsequent arrest notification**

The State Bar must maintain a contract with the California Department of Justice for subsequent arrest notification services for licensees on active status with the State Bar and special admissions attorneys permitted to practice in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46.

**(e) Information obtained by fingerprint submission; disclosure limitations**

Any information obtained by the State Bar as a result of fingerprint submission under this rule must be kept confidential and used solely for State Bar licensing and regulatory purposes.

**(f) Fingerprint submission and processing costs**

- (1) Except as described in (f)(2), all costs incurred for the processing of fingerprints for the State Bar, including print furnishing and encoding, as required by Business and

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Professions Code section 6054, must be borne by the applicant, licensee, or special admissions attorney.

- (2) The State Bar must develop procedures for granting waivers of the processing costs of running California Department of Justice and Federal Bureau of Investigation background checks for applicants and licensees with demonstrable financial hardship.

**(g) Persons who are physically unable to be fingerprinted**

- (1) If the California Department of Justice makes a determination pursuant to Penal Code section 11105.7 that any person required to be fingerprinted under this rule is presently unable to provide legible fingerprints, the person will be deemed to have complied with the fingerprinting requirements of this rule.
- (2) Persons required to be fingerprinted under this rule may also submit notification to the State Bar that they are unable to submit fingerprints due to disability, illness, accident, or other circumstances beyond their control. The State Bar must evaluate the notification and may require additional evidence. If the State Bar determines that the person is unable to submit fingerprints based on the information provided, the person will be deemed to have complied with the fingerprinting requirements of this rule.
- (3) A determination of deemed compliance under (g)(1) and (g)(2) will apply only to those persons who are unable to supply legible fingerprints due to disability, illness, accident, or other circumstances beyond their control and will not apply to persons who are unable to provide fingerprints because of actions they have taken to avoid submitting their fingerprints.

*Rule 9.9.5 adopted effective June 1, 2018.*

**Chapter 3. Attorney Disciplinary Proceedings**

***Rule 9.10. Authority of the State Bar Court***

***Rule 9.11. State Bar Court judges***

***Rule 9.12. Standard of review for State Bar Court Review Department***

***Rule 9.13. Petitions for review by licensees of State Bar Court decisions and review of other State Bar decisions***

***Rule 9.14. Petitions for review by the Chief Trial Counsel of State Bar Court decisions***

***Rule 9.15. Petitions for review by the State Bar in moral character proceedings***

***Rule 9.16. Grounds for review of State Bar Court decisions in the Supreme Court***

***Rule 9.16.1. Briefs by parties following grant of review by the Supreme Court***

***Rule 9.16.2. Requesting depublication of published State Bar Court opinion***

***Rule 9.17. Remand with instructions***

***Rule 9.18. Effective date of disciplinary orders and decisions***

***Rule 9.19. Conditions attached to reprovals***

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***Rule 9.20. Duties of disbarred, resigned, or suspended attorneys***

***Rule 9.21. Resignations of licensees of the State Bar with disciplinary charges pending***

***Rule 9.22. Suspension of licensees of the State Bar for failure to comply with judgment or order for child or family support***

***Rule 9.23. Enforcement as money judgment disciplinary orders directing the payment of costs and disciplinary orders requiring reimbursement of the Client Security Fund***

**Rule 9.12. Standard of review for State Bar Court Review Department**

In reviewing the decisions, orders, or rulings of a hearing judge under rule 5.151 of the Rules of Procedure of the State Bar of California or such other rule as may be adopted governing the review of any decisions, orders, or rulings by a hearing judge that fully disposes of an entire proceeding, the Review Department of the State Bar Court must independently review the record and may adopt findings, conclusions, and a decision or recommendation different from those of the hearing judge.

*Rule 9.12 amended and renumbered effective January 1, 2007; adopted as rule 951.5 by the Supreme Court effective February 23, 2000.*

**Rule 9.13. Petitions for review by licensees of State Bar Court decisions and review of other State Bar decisions**

**(a) Review of recommendation of disbarment or suspension**

A petition to the Supreme Court by a licensee to review a decision of the State Bar Court recommending his or her disbarment or suspension from practice must be served and filed within 60 days after a certified copy of the decision complained of is filed with the Clerk of the Supreme Court. The State Bar may serve and file an answer to the petition within 20 days after filing of the petition. Within 10 days after filing of the answer, the petitioner may serve and file a reply.

*(Subd (a) amended effective January 1, 2019; previously relettered and amended effective October 1, 1973; previously amended effective July 1, 1968, December 1, 1990, and January 7, 2007.)*

**(b) Review of recommendation to set aside stay of suspension or modify probation**

A petition to the Supreme Court by a licensee to review a recommendation of the State Bar Court that a stay of an order of suspension be set aside or that the duration or conditions of probation be modified on account of a violation of probation must be served and filed within 15 days after a certified copy of the recommendation complained of is filed with the Clerk of the Supreme Court. Within 15 days after filing of the petition, the State Bar may serve and file an answer. Within 5 days after filing of the answer, the petitioner may serve and file a reply.

*(Subd (b) amended effective January 1, 2019; adopted effective October 1, 1973; previously amended effective December 1, 1990; and January 1, 2007.)*

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**(c) Review of interim decisions**

A petition to the Supreme Court by a licensee to review a decision of the State Bar Court regarding interim suspension, the exercise of powers delegated by rule 9.10(b)–(e), or another interlocutory matter must be served and filed within 15 days after written notice of the adverse decision of the State Bar Court is mailed by the State Bar to the petitioner and to his or her counsel of record, if any, at their respective addresses under Business and Professions Code section 6002.1. Within 15 days after filing of the petition, the State Bar may serve and file an answer. Within 5 days after filing of the answer, the petitioner may serve and file a reply.

*(Subd (c) amended effective January 1, 2019; adopted effective December 1, 1990; previously amended effective January 1, 2007.)*

**(d) Review of other decisions**

A petition to the Supreme Court to review any other decision of the State Bar Court or action of the Board of Trustees of the State Bar, or of any board or committee appointed by it and authorized to make a determination under the provisions of the State Bar Act, or of the chief executive officer of the State Bar or the designee of the chief executive officer authorized to make a determination under article 10 of the State Bar Act or these rules of court, must be served and filed within 60 days after written notice of the action complained of is mailed to the petitioner and to his or her counsel of record, if any, at their respective addresses under Business and Professions Code section 6002.1. Within 20 days after filing of the petition, the State Bar may serve and file an answer and brief. Within 10 days after filing of the answer and brief, the petitioner may serve and file a reply.

*(Subd (d) amended effective January 1, 2019; previously amended effective July 1, 1968, May 1, 1986, April 2, 1987, and January 1, 2007; previously relettered and amended effective October 1, 1973, and December 1, 1990.)*

**(e) Contents of petition**

- (1) A petition to the Supreme Court filed under (a) or (b) of this rule must be verified, must specify the grounds relied upon, must show that review within the State Bar Court has been exhausted, must address why review is appropriate under one or more of the grounds specified in rule 9.16, and must have attached a copy of the State Bar Court decision from which relief is sought.
- (2) When review is sought under (c) or (d) of this rule, the petition must also be accompanied by a record adequate to permit review of the ruling, including:
  - (A) Legible copies of all documents and exhibits submitted to the State Bar Court or the State Bar supporting and opposing petitioner's position;

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- (B) Legible copies of all other documents submitted to the State Bar Court or the State Bar that are necessary for a complete understanding of the case and the ruling; and
  - (C) A transcript of the proceedings in the State Bar Court leading to the decision or, if a transcript is unavailable, a declaration by counsel explaining why a transcript is unavailable and fairly summarizing the proceedings, including arguments by counsel and the basis of the State Bar Court's decision, if stated; or a declaration by counsel stating that the transcript has been ordered, the date it was ordered, and the date it is expected to be filed, which must be a date before any action is requested from the Supreme Court other than issuance of a stay supported by other parts of the record.
- (3) A petitioner who requests an immediate stay must explain in the petition the reasons for the urgency and set forth all relevant time constraints.
  - (4) If a petitioner does not submit the required record, the court may summarily deny the stay request, the petition, or both.

*(Subd (e) amended effective January 1, 2019; previously repealed and adopted by the Supreme Court effective December 1, 1990, and February 1, 1991; previously repealed and adopted effective March 15, 1991; previously amended effective January 1, 2007.)*

**(f) Service**

All petitions, briefs, reply briefs, and other pleadings filed by a petitioner under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar must serve the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any.

*(Subd (f) amended effective January 1, 2019; adopted by the Supreme Court effective December 1, 1990; previously amended by the Supreme Court effective February 1, 1991; previously amended effective March 15, 1991, and January 1, 2007.)*

*Rule 9.13 amended effective January 1, 2019; adopted as rule 59 by the Supreme Court effective April 20, 1943, and by the Judicial Council effective July 1, 1943; previously amended and renumbered as rule 952 effective October 1, 1973, and as 9.13 effective January 1, 2007; previously amended effective July 1, 1976, May 1, 1986, April 2, 1987, December 1, 1990, February 1, 1991, and March 15, 1991.*

**Rule 9.14. Petitions for review by the Chief Trial Counsel of State Bar Court decisions**

**(a) Time for filing a petition**

The Chief Trial Counsel may petition for review of recommendations and decisions of the State Bar Court as follows:

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- (1) From recommendations that a licensee be suspended, within 60 days of the date the recommendation is filed with the Supreme Court.
- (2) From recommendations that the duration or conditions of probation be modified, or a reinstatement application be granted, within 15 days of the date the recommendation is filed with the Supreme Court.
- (3) From decisions not to place an eligible licensee on interim suspension, or vacating interim suspension, or a denial of a petition brought under Business and Professions Code section 6007, subdivision (c), within 15 days of notice under the rules adopted by the State Bar.
- (4) From decisions dismissing disciplinary proceedings or recommending approval, within 60 days of notice under the rules adopted by the State Bar.

**(b) Subsequent briefs**

Within 20 days after the filing of the petition under this rule, the licensee may serve and file an answer. Within 10 days after the filing of the answer, the Chief Trial Counsel may serve and file a reply.

*(Subd (a) amended effective January 1, 2019; adopted effective March 15, 1991; previously adopted by the Supreme Court effective December 10, 1990; previously amended effective January 1, 2007.)*

**(c) Service**

All petitions, briefs, reply briefs, and other pleadings filed by the Chief Trial Counsel under this rule must be accompanied by proof of service on the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any. All briefs and other pleadings filed by the licensee under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court.

*(Subd (b) amended effective January 1, 2019; adopted as part of subd (d) effective March 15, 1991; previously adopted by the Supreme Court effective December 10, 1991; previously amended and relettered effective January 1, 2007.)*

*Rule 9.14 amended effective January 1, 2019; adopted as rule 952.5 effective March 15, 1991; previously amended and renumbered effective January 1, 2007.*

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**Rule 9.15. Petitions for review by State Bar in moral character proceedings**

**(a) Petition for review by the State Bar**

The State Bar may petition for review of the decision of the Review Department of the State Bar Court in moral character proceedings. All petitions under this rule must be served and filed with the Clerk of the Supreme Court within 60 days after the State Bar Court decision is filed and served on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar. The applicant may file and serve an answer within 20 days after filing of the petition. Within 10 days after filing of the answer the State Bar may serve and file a reply.

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(b) Contents of petition**

A petition to the Supreme Court filed under this rule must show that review within the State Bar Court has been exhausted, must address why review is appropriate under one or more of the grounds specified in rule 9.16, and must have attached a copy of the State Bar Court decision for which review is sought.

*(Subd (b) amended effective January 1, 2007.)*

**(c) Service**

All petitions, briefs, reply briefs, and other pleadings filed by the State Bar must include a proof of service by mail to the applicant's last address provided to the State Bar or the applicant's attorney of record, if any. Filings by the applicant must include a proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar and one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court.

*(Subd (c) amended effective January 1, 2019; previously amended effective April 20, 1998, and January 1, 2007.)*

**(d) Confidentiality**

All filings under this rule are confidential unless: (1) the applicant waives confidentiality in writing; or (2) the Supreme Court grants review. Once the Supreme Court grants review, filings under this rule are open to the public; however, if good cause exists, the Supreme Court may order portions of the record or the identity of witnesses or other third parties to the proceedings to remain confidential.

*(Subd (d) amended effective January 1, 2007; adopted effective April 20, 1998.)*

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*Rule 9.15 amended effective January 1, 2019; adopted as rule 952.6 by the Supreme Court effective July 1, 1993, and by the Judicial Council May 6, 1998; previously amended by the Supreme Court effective April 20, 1998; previously amended and renumbered effective January 1, 2007.*

**Rule 9.16.1. Briefs by parties following grant of review by the Supreme Court**

**(a) Parties' briefs; time to file**

If the Supreme Court grants review of a petition filed pursuant to rules 9.13(a) or (d), 9.14(a), or 9.15(a), the opposing party must serve and file a supplemental brief within 45 days after the order granting review is filed. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.

**(b) Judicial notice**

To obtain judicial notice by the Supreme Court under Evidence Code section 459, a party must comply with rule 8.252(a).

**(c) Service**

All briefs, reply briefs, and other pleadings filed by a licensee under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar must serve the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any.

**Rule 9.16.2. Requesting depublication of published State Bar Court opinion**

**(a) Request**

- (1) Any person may request the Supreme Court to order that an opinion certified for publication by the State Bar Court not be published.
- (2) The request must not be made as part of a petition for review, but by a separate letter to the Supreme Court not exceeding 10 pages.
- (3) The request must concisely state the person's interest and the reason why the opinion should not be published.
- (4) The request must be delivered to the Supreme Court within 30 days after the decision is final in the State Bar Court.
- (5) The request must be served on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court and all parties.

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**(b) Response**

- (1) Within 10 days after the Supreme Court receives a request under (a), the State Bar Court or any person may submit a response supporting or opposing the request. A response submitted by anyone other than the State Bar Court must state the person's interest.
- (2) A response must not exceed 10 pages and must be served on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court, all parties, and any person who requested depublication.

**(c) Action by Supreme Court**

- (1) The Supreme Court may order the State Bar Court to depublish the opinion or deny the request. It must send notice of its action to the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court, all parties, and any person who requested depublication.
- (2) The Supreme Court, on its own motion, may order the State Bar Court to depublish an opinion, notifying the State Bar Court of its action.

**(d) Effect of Supreme Court order to depublish**

A Supreme Court order to depublish is not an expression of the court's opinion of the correctness of the result of the decision or of any law stated in the opinion. An opinion ordered depublished must not be cited or relied on by a court or a party in any other action. A depublished opinion may be cited when relevant under the doctrines of law of the case, res judicata, or collateral estoppel or if the opinion is relevant to a criminal or disciplinary action because it states reasons for a decision affecting the same defendant or respondent in another such action.

**Rule 9.22. Suspension of licensees of the State Bar for failure to comply with judgment or order for child or family support**

**(a) State Bar recommendation for suspension of delinquent licensees**

Under Family Code section 17520, the State Bar is authorized to transmit to the Supreme Court twice a year the names of those licensees listed by the State Department of Child Support Services as delinquent in their payments of court-ordered child or family support with a recommendation for their suspension from the practice of law.

*(Subd (a) amended effective October 20, 2023; previously amended effective January 1, 2007 and January 1, 2019.)*

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**(b) Conditions for reinstatement of a suspended licensees**

The Supreme Court may reinstate a licensee suspended under this rule only after receipt by the Supreme Court of notification from the State Bar that the licensee's name has been removed from the State Department of Child Support Services list as provided in Family Code section 17520(h) and that the licensee has submitted a declaration under penalty of perjury stating whether the licensee practiced law during the suspension.

*(Subd (b) amended effective October 20, 2023; adopted as part of subd (a) effective January 31, 1993; previously amended and lettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(c) Subsequent recommendation for suspension by the State Bar**

Under Family Code section 17520(l), the State Bar is further authorized to promptly transmit to the Supreme Court with a recommendation for their suspension from the practice of law the name of any licensee previously listed by the State Department of Child Support Services as delinquent in their payments of court-ordered child or family support, who has been reinstated under (b) of this rule and who has subsequently been identified by the Department of Child Support Services as again being delinquent.

*(Subd (c) amended effective October 20, 2023; adopted as part of subd (a) effective January 31, 1993; previously amended and lettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(d) Compliance with Rule 9.20(a)-(c)**

A licensee suspended under this rule must comply with the requirements of rule 9.20 in connection with an initial suspension under (a) of this rule and any subsequent suspension under (c) of this rule.

*(Subd (d) adopted effective October 20, 2023.)*

**(e) Authorization for the Board of Trustees of the State Bar to adopt rules**

The Board of Trustees of the State Bar is authorized to adopt such rules as it deems necessary and appropriate in order to comply with this rule. The rules of the State Bar must contain procedures governing the notification, suspension, and reinstatement of licensees of the State Bar in a manner not inconsistent with Family Code section 17520.

*(Subd (e) amended and relettered effective October 20, 2023; adopted as subd (b) effective January 31, 1993; previously amended and relettered as subd (d) effective January 1, 2007; previously amended effective January 1, 2019.)*

*Rule 9.22 amended effective October 20, 2023; adopted as rule 962 effective January 31, 1993; previously amended by the Supreme Court effective April 1, 1996 and January 1, 2019; previously amended and renumbered effective January 1, 2007.*

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Chapter 4. Legal Education

*Rule 9.30. Law school study in schools other than those accredited by the Committee of Bar Examiners*

*Rule 9.31. Minimum continuing legal education*

*Rule 9.32. New Attorney Training*

**Rule 9.30. Law school study in schools other than those accredited by the Committee of Bar Examiners**

**(a) Receipt of credit**

A person who seeks to be certified to the Supreme Court for admission in and licensed to practice law under section 6060(e)(2) of the Business and Professions Code may receive credit for:

- (1) Study in a law school in the United States other than one accredited by the Committee of Bar Examiners only if the law school satisfies the requirements of (b) or (c) of this rule; or
- (2) Instruction in law from a correspondence school only if the correspondence school requires 864 hours of preparation and study per year for four years and satisfies the requirements of (d) of this rule; or
- (3) Study in a law school outside the United States other than one accredited by the Committee of Bar Examiners only if the Committee of Bar Examiners is satisfied that the academic program of such law school is substantially equivalent to that of a law school qualified under (b) of this rule.

*(Subd (a) amended effective January 1, 2019; previously amended effective April 2, 1984, and January 1, 2007.)*

**(b) Requirements for unaccredited law schools in state**

A law school in this state that is not accredited by the Committee of Bar Examiners must:

- (1) Be authorized to confer professional degrees by the laws of this state;
- (2) Maintain a regular course of instruction in law, with a specified curriculum and regularly scheduled class sessions;
- (3) Require classroom attendance of its students for a minimum of 270 hours a year for at least four years, and further require regular attendance of each student at not less than 80 percent of the regularly scheduled class hours in each course in which such

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student was enrolled and maintain attendance records adequate to determine each student's compliance with these requirements;

- (4) Maintain, in a fixed location, physical facilities capable of accommodating the classes scheduled for that location;
- (5) Have an adequate faculty of instructors in law. The faculty will prima facie be deemed adequate if at least 80 percent of the instruction in each academic period is by persons who possess one or more of the following qualifications:
  - (A) Admission to the general practice of the law in any jurisdiction in the United States;
  - (B) Judge of a United States court or a court of record in any jurisdiction in the United States; or
  - (C) Graduation from a law school accredited by the Committee of Bar Examiners.
- (6) Own and maintain a library consisting of at least those materials identified by the Committee of Bar Examiners in the rules or guidelines for unaccredited law schools.
- (7) Establish and maintain standards for academic achievement, advancement in good standing and graduation, and provide for periodic testing of all students to determine the quality of their performance in relation to such standards; and
- (8) Register with the Committee of Bar Examiners, and maintain such records (available for inspection by the Committee of Bar Examiners) and file with the Committee of Bar Examiners such reports, notices, and certifications as may be required by the rules of the Committee of Bar Examiners.

*(Subd (b) amended effective January 1, 2007; previously amended effective April 2, 1984.)*

**(c) Requirements for unaccredited law schools outside the state**

A law school in the United States that is outside the state of California and is not accredited by the Committee of Bar Examiners must:

- (1) Be authorized to confer professional degrees by the law of the state in which it is located;
- (2) Comply with (b)(2), (3), (4), (5), (7), and (8) of this rule; and
- (3) Own and maintain a library that is comparable in content to that specified in (b)(6) of this rule.

*(Subd (c) amended effective January 1, 2007; previously amended effective April 2, 1984.)*

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**(d) Registration and reports**

A correspondence law school must register with the Committee of Bar Examiners and file such reports, notices, and certifications as may be required by the rules of the Committee of Bar Examiners concerning any person whose mailing address is in the state of California or whose application to, contract with, or correspondence with or from the law school indicates that the instruction by correspondence is for the purpose or with the intent of qualifying that person for admission to practice law in California.

*(Subd (d) amended effective January 1, 2007.)*

**(e) Inspections**

The Committee of Bar Examiners may make such inspection of law schools not accredited by the committee or correspondence schools as may be necessary or proper to give effect to the provisions of Business and Professions Code section 6060, this rule, and the rules of the Committee of Bar Examiners.

*(Subd (e) amended effective January 1, 2007.)*

**(f) Application**

This rule does not apply to any person who, on the effective date of the rule, had commenced the study of law in a manner authorized by Business and Professions Code section 6060(e) and registered as a law student before January 1, 1976 (as provided in Business and Professions Code section 6060(d) and otherwise satisfies the requirements of Business and Professions Code section 6060(e), provided that after January 1, 1976, credit will be given such person for any study in an unaccredited law school or by correspondence only if the school complies with the requirements of (b)(8) or (d) of this rule, whichever is applicable, and permits inspection under (e) of this rule.

*(Subd (f) amended effective January 1, 2007.)*

*Rule 9.30 amended effective January 1, 2019; adopted as rule 957 by the Supreme Court effective October 8, 1975; previously amended effective April 2, 1984; previously amended and renumbered effective January 1, 2007.*

**Rule 9.31. Minimum continuing legal education**

**(a) Statutory authorization**

This rule is adopted under Business and Professions Code section 6070.

*(Subd (a) amended effective January 1, 2007.)*

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**(b) State Bar minimum continuing legal education program**

The State Bar must establish and administer a minimum continuing legal education program under rules adopted by the Board of Trustees. These rules may provide for carryforward of excess credit hours, staggering of the education requirement for implementation purposes, and retroactive credit for legal education.

*(Subd (b) amended effective August 1, 2017; previously amended effective September 27, 2000, and January 1, 2007.)*

**(c) Minimum continuing legal education requirements**

Each active licensee of the State Bar (1) not exempt under Business and Professions Code section 6070, (2) not a full-time employee of the United States Government, its departments, agencies, and public corporations, acting within the scope of his or her employment, and (3) not otherwise exempt under rules adopted by the Board of Trustees, must, within 36-month periods designated by the State Bar, complete at least 25 hours of legal education approved by the State Bar or offered by a State Bar-approved provider. Four of those hours must address legal ethics. Licensees may be required to complete legal education in other specified areas within the 25-hour requirement under rules adopted by the State Bar. Each active licensee must report his or her compliance to the State Bar under rules adopted by the Board of Trustees.

*(Subd (c) amended effective August 1, 2019; previously amended effective September 27, 2000, January 1, 2007, and August 1, 2017.)*

**(d) Failure to comply with program**

A licensee of the State Bar who fails to satisfy the requirements of the State Bar's minimum continuing legal education program must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees.

*(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007, and August 1, 2017.)*

**(e) Fees and penalties**

The State Bar has the authority to set and collect appropriate fees and penalties.

*(Subd (e) amended effective January 1, 2007.)*

**(f) One-time expungement of a record of inactive enrollment for failure to comply with program**

The State Bar is authorized to expunge a public record of a period of inactive enrollment for failure to comply with the minimum continuing legal education program for those licensees who meet all of the following criteria:

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- (1) The licensee has not on any previous occasion obtained an expungement under the terms of this rule or rule 9.8(b);
- (2) The period of inactive enrollment was for 90 days or less;
- (3) The period of inactive enrollment ended at least seven years before the date of expungement;
- (4) The licensee has no other record of suspension or involuntary inactive enrollment for discipline or otherwise.

*(Subd (f) amended effective January 1, 2019; adopted effective August 1, 2017.)*

**(g) Records to be maintained by State Bar**

Under (f) of this rule, the State Bar will remove or delete the record of such period of inactive enrollment from the licensee's record. Notwithstanding any other provision of this rule, the State Bar must maintain such internal records as are necessary to apply the terms of (f) of this rule and to report to the Commission on Judicial Nominees Evaluation or appropriate governmental entities involved in judicial elections the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15.

*(Subd (g) amended effective January 1, 2019; adopted effective August 1, 2017.)*

**(h) Duty of disclosure by licensee**

Expungement of the record of a licensee's period of inactive enrollment under (f) of this rule will not relieve the licensee of his or her duty to disclose the period of inactive enrollment for purpose of determining the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15. For all other purposes, the record of inactive enrollment expunged under (f) of this rule is deemed not to have occurred and the licensee may answer accordingly any question relating to his or her record.

*(Subd (h) amended effective January 1, 2019; adopted effective August 1, 2017.)*

*Rule 9.31 amended effective January 1, 2019; adopted as rule 958 effective December 6, 1990; previously amended effective December 25, 1992; previously amended by the Supreme Court effective September 27, 2000; previously amended and renumbered as rule 9.31 effective January 1, 2007; previously amended effective August 1, 2017.*

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**Rule 9.32. New Attorney Training**

**(a) State Bar New Attorney Training**

The State Bar must establish and administer a New Attorney Training program under rules adopted by the Board of Trustees of the State Bar, including Rules of the State Bar of California, rules 2.140-2.144.

**(b) State Bar New Attorney Training requirements**

All new licensees of the State Bar must, by the last day of the month of their one year anniversary as a State Bar licensee, complete the New Attorney Training program and report having done so as provided in Rules of the State Bar of California, rule 2.141.

**(c) Failure to comply with program**

A licensee of the State Bar who fails to satisfy the requirements of the State Bar New Attorney Training program will be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar, including Rules of the State Bar of California, rules 2.150-2.153.

**(d) Fees and penalties**

The State Bar has the authority to set and collect appropriate fees and penalties.

*Rule 9.32 adopted effective January 1, 2024.*

**Division 4. Appearances and Practice by Individuals Who Are Not Licensees of the State Bar of California**

*Rule 9.40. Counsel pro hac vice*

*Rule 9.41. Appearances by military counsel*

*Rule 9.41.1. Registered military spouse attorney*

*Rule 9.42. Certified law students*

*Rule 9.43. Out-of-state attorney arbitration counsel*

*Rule 9.44. Registered foreign legal consultant*

*Rule 9.45. Registered legal aid attorneys*

*Rule 9.46. Registered in-house counsel*

*Rule 9.47. Attorneys practicing law temporarily in California as part of litigation*

*Rule 9.48. Nonlitigating attorneys temporarily in California to provide legal services*

*Rule 9.49. Provisional Licensure of 2020 Law School Graduates*

*Rule 9.49.1 Provisional Licensure with Pathway to Full Licensure for Certain Individuals*

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**Rule 9.40. Counsel *pro hac vice***

**(a) Eligibility**

A person who is not a licensee of the State Bar but who is an attorney in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in a particular cause pending in a court of this state, may in the discretion of such court be permitted upon written application to appear as counsel *pro hac vice*, provided that an active licensee of the State Bar is associated as attorney of record. No person is eligible to appear as counsel *pro hac vice* under this rule if the person is:

- (1) A resident of the State of California;
- (2) Regularly employed in the State of California; or
- (3) Regularly engaged in substantial business, professional, or other activities in the State of California.

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(b) Repeated appearances as a cause for denial**

Absent special circumstances, repeated appearances by any person under this rule is a cause for denial of an application.

*(Subd (b) lettered effective January 1, 2007; adopted as part of subd (a) effective September 13, 1972.)*

**(c) Application**

- (1) *Application in superior court*

A person desiring to appear as counsel *pro hac vice* in a superior court must file with the court a verified application together with proof of service by mail in accordance with Code of Civil Procedure section 1013a of a copy of the application and of the notice of hearing of the application on all parties who have appeared in the cause and on the State Bar at its San Francisco office. The notice of hearing must be given at the time prescribed in Code of Civil Procedure section 1005 unless the court has prescribed a shorter period.

- (2) *Application in Supreme Court or Court of Appeal*

An application to appear as counsel *pro hac vice* in the Supreme Court or a Court of Appeal must be made as provided in rule 8.54, with proof of service on all parties who have appeared in the cause and on the State Bar at its San Francisco office.

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*(Subd (c) amended and relettered effective January 1, 2007; adopted as part of subd (b) effective September 13, 1972; subd (b) previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, and March 15, 1991.)*

**(d) Contents of application**

The application must state:

- (1) The applicant's residence and office address;
- (2) The courts to which the applicant has been admitted to practice and the dates of admission;
- (3) That the applicant is a licensee in good standing in those courts;
- (4) That the applicant is not currently suspended or disbarred in any court;
- (5) The title of each court and cause in which the applicant has filed an application to appear as counsel *pro hac vice* in this state in the preceding two years, the date of each application, and whether or not it was granted; and
- (6) The name, address, and telephone number of the active licensee of the State Bar who is attorney of record.

*(Subd (d) amended effective January 1, 2019; adopted as part of subd (b) effective September 13, 1972; subd (b) previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, and March 15, 1991; previously amended and lettered effective January 1, 2007.)*

**(e) Fee for application**

The State Bar may set an appropriate application fee to be paid by counsel *pro hac vice*.

*(Subd (e) amended effective July 24, 2024; adopted as subd (c) effective September 3, 1986; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(f) Counsel *pro hac vice* subject to jurisdiction of courts and State Bar**

A person permitted to appear as counsel *pro hac vice* under this rule is subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a licensee of the State Bar. The counsel *pro hac vice* must familiarize himself or herself and comply with the standards of professional conduct required of licensees of the State Bar and will be subject to the disciplinary jurisdiction of the State Bar with respect to any of his or her acts occurring in the course of such appearance. Article 5 of chapter 4, division 3 of the Business and Professions Code

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and the Rules of Procedure of the State Bar govern in any investigation or proceeding conducted by the State Bar under this rule.

*(Subd (f) amended effective July 24, 2024; previously relettered as subd (d) effective September 3, 1986; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(g) Representation in cases governed by the Indian Child Welfare Act (25 U.S.C. § 1903 et seq.)**

- (1) The requirement in (a) that the applicant associate with an active licensee of the State Bar does not apply to an applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act; and
- (2) An applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act constitutes a special circumstance for the purposes of the restriction in (b) that an application may be denied because of repeated appearances.

*(Subd (g) adopted effective January 1, 2019.)*

**(h) Supreme Court and Court of Appeal not precluded from permitting argument in a particular case**

This rule does not preclude the Supreme Court or a Court of Appeal from permitting argument in a particular case from a person who is not a licensee of the State Bar, but who is licensed to practice in another jurisdiction and who possesses special expertise in the particular field affected by the proceeding.

*(Subd (h) amended effective July 24, 2024; previously relettered as subd (e) effective September 3, 1986; previously amended and relettered as subd (g) effective January 1, 2007; previously amended and relettered as subd (h) effective January 1, 2007.)*

**(i) Inherent Power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (i) adopted effective July 24, 2024.)*

*Rule 9.40 amended effective July 24, 2024; adopted as rule 983 by the Supreme Court effective September 13, 1972; previously amended and renumbered effective January 1, 2007; previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, March 15, 1991, and January 1, 2019.*

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**Rule 9.41. Appearances by military counsel**

**(a) Permission to appear**

A judge advocate (as that term is defined at 10 U.S.C. §801(13)) who is not a licensee of the State Bar but who is an attorney in good standing of and eligible to practice before the bar of any United States court or of the highest court in any state, territory, or insular possession of the United States may, in the discretion of a court of this state, be permitted to appear in that court to represent a person in the military service in a particular cause pending before that court, under the Servicemembers Civil Relief Act, 50 United States Code Appendix section 501 et seq., if:

- (1) The judge advocate has been made available by the cognizant Judge Advocate General (as that term is defined at 10 United States Code section 801(1)) or a duly designated representative; and
- (2) The court finds that retaining civilian counsel likely would cause substantial hardship for the person in military service or that person's family; and
- (3) The court appoints a judge advocate as attorney to represent the person in military service under the Servicemembers Civil Relief Act.

Under no circumstances is the determination of availability of a judge advocate to be made by any court within this state, or reviewed by any court of this state. In determining the likelihood of substantial hardship as a result of the retention of civilian counsel, the court may take judicial notice of the prevailing pay scales for persons in the military service.

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(b) Notice to parties**

The clerk of the court considering appointment of a judge advocate under this rule must provide written notice of that fact to all parties who have appeared in the cause. A copy of the notice, together with proof of service by mail in accordance with Code of Civil Procedure section 1013a, must be filed by the clerk of the court. Any party who has appeared in the matter may file a written objection to the appointment within 10 days of the date on which notice was given unless the court has prescribed a shorter period. If the court determines to hold a hearing in relation to the appointment, notice of the hearing must be given at least 10 days before the date designated for the hearing unless the court has prescribed a shorter period.

*(Subd (b) amended effective January 1, 2007.)*

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**(c) Appearing judge advocate subject to court and State Bar jurisdiction**

A judge advocate permitted to appear under this rule is subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as licensee of the State Bar. The judge advocate must become familiar with and comply with the standards of professional conduct required of licensees of the State Bar and is subject to the disciplinary jurisdiction of the State Bar. Division 3, chapter 4, article 5 of the Business and Professions Code and the Rules of Procedure of the State Bar govern any investigation or proceeding conducted by the State Bar under this rule.

*(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(d) Appearing judge advocate subject to rights and obligations of State Bar licensees concerning professional privileges**

A judge advocate permitted to appear under this rule is subject to the rights and obligations with respect to attorney-client privilege, work-product privilege, and other professional privileges to the same extent as a licensee of the State Bar.

*(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

*Rule 9.41 amended effective January 1, 2019; adopted as rule 983.1 by the Supreme Court effective February 19, 1992; adopted by the Judicial Council effective February 21, 1992; amended and renumbered effective January 1, 2007.*

**Rule 9.43. Out-of-state attorney arbitration counsel**

**(a) Definition**

An “out-of-state attorney arbitration counsel” is an attorney who is:

- (1) Not a licensee of the State Bar but who is an attorney in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in the course of, or in connection with, an arbitration proceeding in this state;
- (2) Has served a certificate in accordance with the requirements of Code of Civil Procedure section 1282.4 on the arbitrator, the arbitrators, or the arbitral forum, the State Bar, and all other parties and counsel in the arbitration whose addresses are known to the attorney; and
- (3) Whose appearance has been approved by the arbitrator, the arbitrators, or the arbitral forum.

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

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**(b) State Bar out-of-state attorney arbitration counsel program**

The State Bar must establish and administer a program to implement the State Bar's responsibilities under Code of Civil Procedure section 1282.4. The State Bar's program may be operative only as long as the applicable provisions of Code of Civil Procedure section 1282.4 remain in effect.

*(Subd (b) amended effective January 1, 2007.)*

**(c) Eligibility to appear as an out-of-state attorney arbitration counsel**

To be eligible to appear as an out-of-state attorney arbitration counsel, an attorney must comply with all of the applicable provisions of Code of Civil Procedure section 1282.4 and the requirements of this rule and the related rules and regulations adopted by the State Bar.

*(Subd (c) amended effective January 1, 2007.)*

**(d) Discipline**

An out-of-state attorney arbitration counsel who files a certificate containing false information or who otherwise fails to comply with the standards of professional conduct required of licensees of the State Bar is subject to the disciplinary jurisdiction of the State Bar with respect to any of his or her acts occurring in the course of the arbitration.

*(Subd (d) amended effective July 24, 2024; previously amended effective January 1, 2007; and January 1, 2019.)*

**(e) Disqualification**

Failure to timely file and serve a certificate or, absent special circumstances, appearances in multiple separate arbitration matters are grounds for disqualification from serving in the arbitration in which the certificate was filed.

*(Subd (e) amended effective January 1, 2007.)*

**(f) Fee**

The State Bar may set an appropriate application fee to be paid by the out-of-state attorney arbitration counsel.

*(Subd (f) amended effective July 24, 2024; previously amended effective January 1, 2007.)*

**(g) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

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*(Subd (g) amended effective July 24, 2024; previously amended effective January 1, 2007.)*

*Rule 9.43 amended effective July 24, 2024; adopted as rule 983.4 by the Supreme Court effective July 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

**Rule 9.44. Registered foreign legal consultant**

**(a) Definition**

A “registered foreign legal consultant” is a person who:

- (1) Is admitted to practice and is in good standing as an attorney or counselor-at-law or the equivalent in a foreign country; and
- (2) Has a currently effective certificate of registration as a registered foreign legal consultant from the State Bar.

*(Subd (a) amended effective January 1, 2007.)*

**(b) State Bar registered foreign legal consultant program**

The State Bar must establish and administer a program for registering foreign attorneys or counselors-at-law or the equivalent under rules adopted by the Board of Trustees of the State Bar.

*(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(c) Eligibility for certification**

To be eligible to become a registered foreign legal consultant, an applicant must:

- (1) Present satisfactory proof that the applicant has been admitted to practice and has been in good standing as an attorney or counselor-at-law or the equivalent in a foreign country for at least four of the six years immediately preceding the application and, while so admitted, has actually practiced the law of that country;
- (2) Present satisfactory proof that the applicant possesses the good moral character requisite for a person to be licensed as a licensee of the State Bar and proof of compliance with California Rules of Court, rule 9.9.5, governing attorney fingerprinting;
- (3) Agree to comply with the provisions of the rules adopted by the Board of Trustees of the State Bar relating to security for claims against a foreign legal consultant by his or her clients;

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- (4) Agree to comply with the provisions of the rules adopted by the Board of Trustees of the State Bar relating to maintaining an address of record for State Bar purposes;
- (5) Agree to notify the State Bar of any change in his or her status in any jurisdiction where he or she is admitted to practice or of any discipline with respect to such admission;
- (6) Agree to be subject to the jurisdiction of the courts of this state with respect to the laws of the State of California governing the conduct of attorneys, to the same extent as a licensee of the State Bar;
- (7) Agree to become familiar with and comply with the standards of professional conduct required of licensees of the State Bar;
- (8) Agree to be subject to the disciplinary jurisdiction of the State Bar;
- (9) Agree to be subject to the rights and obligations with respect to attorney client privilege, work-product privilege, and other professional privileges, to the same extent as attorneys admitted to practice law in California; and
- (10) Agree to comply with the laws of the State of California, the rules and regulations of the State Bar, and these rules.

*(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(d) Authority to practice law**

Subject to all applicable rules, regulations, and statutes, a registered foreign legal consultant may render legal services in California, except that he or she may not:

- (1) Appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;
- (2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;
- (3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;
- (4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or

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- (5) Otherwise render professional legal advice on the law of the State of California, any other state of the United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction named in satisfying the requirements of (c) of this rule, whether rendered incident to preparation of legal instruments or otherwise.

*(Subd (d) amended effective January 1, 2007.)*

**(e) Failure to comply with program**

A registered foreign legal consultant who fails to comply with the requirements of the State Bar Registered Foreign Legal Consultant Program will have her or his certification suspended or revoked under rules adopted by the Board of Trustees of the State Bar.

*(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(f) Fee and penalty**

The State Bar has the authority to set and collect appropriate fees and penalties for this program.

*(Subd (f) amended effective January 1, 2007.)*

**(g) Inherent power of Supreme Court**

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (g) amended effective January 1, 2007.)*

*Rule 9.44 amended effective January 1, 2019; adopted as rule 988 effective December 1, 1993; previously amended and renumbered effective January 1, 2007.*

**Rule 9.45. Registered legal aid attorneys**

**(a) Definitions**

The following definitions apply in this rule:

- (1) “Eligible legal aid organization” means any of the following:

- (A) A nonprofit entity in good standing in California and in the state in which it is incorporated, if other than California, that provides legal aid in civil matters, including family law and immigration law, to indigent and disenfranchised persons, especially underserved client groups, such as the elderly, persons with disabilities, people of color, juveniles, and persons with limited English proficiency; or

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- (B) A nonprofit law school approved by the American Bar Association located in California or accredited by the State Bar that provides legal aid as described above in subdivision (A); or
  - (C) An entity that receives IOLTA funds pursuant to Business and Professions Code, section 6210, et seq
- (2) “Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who:
- (A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and
  - (B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law as a registered legal aid attorney in California.

*(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(b) Scope of practice**

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule may practice law in California only while working, with or without pay, at an eligible legal aid organization, as defined in this rule, and, at that institution and only on behalf of its clients or customers, may engage, under supervision, in all forms of legal practice that are permissible for a licensee of the State Bar.

*(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(c) Requirements**

For an attorney to qualify to practice law under this rule, the attorney must:

- (1) Be an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;
- (2) Meet all of the requirements for admission to the State Bar, except that the attorney:

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- (A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and
- (B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;
- (3) Comply with the rules adopted by the Board of Trustees relating to the State Bar Registered Legal Aid Attorney Program;
- (4) Practice law under the supervision of an attorney who is employed by the eligible legal aid organization and who is a licensee in good standing of the State Bar ;
- (5) Abide by all of the laws and rules that govern licensees of the State Bar, including the Minimum Continuing Legal Education (MCLE) requirements;
- (6) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar must complete every three years and, thereafter, satisfy the MCLE requirements for the registered legal aid attorney's compliance group as set forth in State Bar Rules 2.70 and 2.71. If the registered legal aid attorney's compliance group is required to report in less than thirty-six months, the MCLE requirements will be reduced proportionally; and
- (7) Not have taken and failed the California bar examination within five years immediately preceding initial application to register under this rule.

*(Subd (c) amended and renumbered effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(d) Application**

The attorney must comply with the following registration requirements:

- (1) Register as a legal aid attorney; submit a separate application for each eligible legal aid organization; file an Application for Determination of Moral Character with the State Bar; and comply with Rules of Court, rule 9.9.5, governing attorney fingerprinting;
- (2) Submit to the State Bar a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar and attesting that he or she will not practice law in California other than under supervision of an attorney at an eligible legal aid organization a during the time he or she practices law as a registered legal aid attorney in California; and

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- (3) Submit to the State Bar a declaration signed by a qualifying supervisor on behalf of the from each eligible legal aid organization in California. The declaration must attesting:
- (i) that the applicant will work, with or without pay, as an attorney for the organization;
  - (ii) that the applicant will be supervised as specified in this rule;
  - (iii) that the eligible legal aid organization and the supervising attorney assume professional responsibility for any work performed by the applicant under this rule;
  - (iv) that the organization will notify the State Bar within 30 days of the cessation of the applicant's employment with that employer in California; and
  - (v) that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

*(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(e) Duration of practice**

A registered legal aid attorney must renew his or her registration annually and may practice for no more than a total of five years under this rule.

*(Subd (e) amended effective March 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(f) Application and registration fees**

The State Bar may set appropriate application fees and initial and annual registration fees to be paid by registered legal aid attorneys.

*(Subd (f) amended effective March 1, 2019; adopted as subd (e) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)*

**(g) State Bar Registered Legal Aid Attorney Program**

The State Bar may establish and administer a program for registering California legal aid attorneys under rules adopted by the Board of Trustees of the State Bar.

*(Subd (g) amended effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

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**(h) Supervision**

To meet the requirements of this rule, an attorney supervising a registered legal aid attorney:

- (1) Must have practiced law as a full-time occupation for at least four years in any United States jurisdiction;
- (2) Must have actively practiced law in California for at least two years immediately preceding the time of supervision and be a licensee in good standing of the State Bar;
- (3) Must assume professional responsibility for any work that the registered legal aid attorney performs under the supervising attorney's supervision;
- (4) Must assist, counsel, and provide direct supervision of the registered legal aid attorney in the activities authorized by this rule, approve in writing any appearance in court, deposition, arbitration or any proceeding by the registered legal aid attorney, and review such activities with the supervised registered legal aid attorney, to the extent required for the protection of the client or customer;
- (5) Must read, approve, and personally sign any pleadings, briefs, or other similar documents prepared by the registered legal aid attorney before their filing, and must read and approve any documents prepared by the registered legal aid attorney before their submission for execution; and
- (6) May, in his or her absence, designate another attorney meeting the requirements of (1) through (5) to provide the supervision required under this rule.

*(Subd (h) amended and renumbered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(i) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (i) amended and relettered effective January 1, 2007; adopted as subd (h) effective November 15, 2004.)*

**(j) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar.

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*(Subd (j) amended effective January 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered effective January 1, 2007.)*

*Rule 9.45 amended effective March 1, 2019; adopted as rule 964 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

**Rule 9.46. Registered in-house counsel**

**(a) Definitions**

The following definitions apply to terms used in this rule:

- (1) “Qualifying institution” means a corporation, a partnership, an association, or other legal entity, including its subsidiaries and organizational affiliates, which has an office located in California. Neither a governmental entity nor an entity that provides legal services to others can be a qualifying institution for purposes of this rule. A qualifying institution must:
  - (A) Employ at least 5 full time employees; or
  - (B) Employ in California an attorney who is an active licensee in good standing of the State Bar.
- (2) “Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who:
  - (A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and
  - (B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency, other than California, while practicing law as registered in-house counsel in California.

*(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(b) Scope of practice**

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule is:

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- (1) Permitted to provide legal services in California only to the qualifying institution that employs him or her;
- (2) Permitted to provide *pro bono* legal services under supervision of a California attorney for either eligible legal aid organizations as defined by Rules of Court, rule 9.45(a)(1), or the qualifying institution that employs him or her;
- (3) Not permitted to make court appearances in California state courts or to engage in any other activities for which *pro hac vice* admission is required if they are performed in California by an attorney who is not a licensee of the State Bar; and
- (4) Not permitted to provide personal or individual representation to any customers, shareholders, owners, partners, officers, employees, servants, or agents of the qualifying institution, except as described in subdivision (b)(2).

*(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(c) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Be an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;
- (2) Meet all of the requirements for admission to the State Bar, except that the attorney:
  - (A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;
- (3) Comply with the rules adopted by the Board of Trustees relating to the State Bar Registered In-House Counsel Program;
- (4) Practice law exclusively for a single qualifying institution, except that, while practicing under this rule, the attorney may provide *pro bono* services through eligible legal aid organizations;
- (5) Abide by all of the laws and rules that govern licensees of the State Bar, including the Minimum Continuing Legal Education (MCLE) requirements;
- (6) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar must complete every three years and, thereafter, satisfy the MCLE requirements for the

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registered in-house counsel's compliance group as set forth in State Bar Rules 2.70 and 2.71. If the registered in-house counsel's compliance group is required to report in less than thirty-six months, the MCLE requirement will be reduced proportionally; and

- (7) Reside in California.

*(Subd (c) amended effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(d) Application**

The attorney must comply with the following registration requirements:

- (1) Register as an in-house counsel; submit an application for the qualifying institution; file an Application for Determination of Moral Character with the State Bar; and comply with Rules of Court, rule 9.9.5. governing attorney fingerprinting;
- (2) Submit a supplemental form identifying the eligible legal aid organizations as defined by Rules of Court, rule 9.45(a)(1) and the supervising attorney, through which an in-house counsel intends to provide *pro bono* services, if applicable;
- (3) Submit to the State Bar a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court and the State Bar and attesting that he or she will not practice law in California other than on behalf of the qualifying institution during the time he or she is registered in-house counsel in California, except if supervised, a registered in-house counsel may provide pro bono services through eligible legal aid organization; and
- (4) Submit to the State Bar a declaration signed by an officer, a director, or a general counsel of the applicant's employer, on behalf of the applicant's employer. The declaration must attest:
  - (i) that the applicant is employed as an attorney for the employer;
  - (ii) that the nature of the employment conforms to the requirements of this rule;
  - (iii) that the employer will notify the State Bar within 30 days of the cessation of the applicant's employment in California; and
  - (iv) that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

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*(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(e) Duration of practice**

A registered in-house counsel must renew his or her registration annually. There is no limitation on the number of years in-house counsel may register under this rule. Registered in-house counsel may practice law under this rule only for as long as he or she remains employed by the same qualifying institution that provided the declaration in support of his or her application. If an attorney practicing law as registered in-house counsel leaves the employment of his or her employer or changes employers, he or she must notify the State Bar within 30 days. If an attorney wishes to practice law under this rule for a new employer, he or she must first register as in-house counsel for that employer.

*(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d) effective November 15, 2004.)*

**(f) Application and registration fees**

The State Bar may set appropriate application fees and initial and annual registration fees to be paid by registered in-house counsel.

*(Subd (f) relettered effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously amended and relettered as subd (g) effective January 1, 2007.)*

**(g) State Bar Registered In-House Counsel Program**

The State Bar must establish and administer a program for registering California in-house counsel under rules adopted by the Board of Trustees.

*(Subd (g) relettered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously amended and relettered as subd (h) effective January 1, 2007; previously amended effective January 1, 2019.)*

**(h) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (h) relettered effective March 1, 2019; adopted as subd (h) effective November 15, 2004; previously amended and relettered as subd (i) effective January 1, 2007.)*

**(i) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar.

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*(Subd (i) relettered effective March 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered as subd (j) effective January 1, 2007; previously amended effective January 1, 2019.)*

*Rule 9.46 amended effective March 1, 2019; adopted as rule 965 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

**Rule 9.47. Attorneys practicing law temporarily in California as part of litigation**

**(a) Definitions**

The following definitions apply to the terms used in this rule:

- (1) “A formal legal proceeding” means litigation, arbitration, mediation, or a legal action before an administrative decision-maker.
- (2) “Authorized to appear” means the attorney is permitted to appear in the proceeding by the rules of the jurisdiction in which the formal legal proceeding is taking place or will be taking place.
- (3) “Active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who meets all of the following criteria:
  - (A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction; and
  - (B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency while practicing law under this rule.

*(Subd (a) amended effective January 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(b) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;
- (2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a

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potential client, at the potential client's request, to assist the client in deciding whether to retain the attorney;

- (3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a licensee of the State Bar or that the attorney is admitted to practice law only in the states listed; and
- (4) Be an active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

*(Subd (b) amended effective January 1, 2019; adopted as subd (a) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(c) Permissible activities**

An attorney meeting the requirements of this rule, who complies with all applicable rules, regulations, and statutes, is not engaging in the unauthorized practice of law in California if the attorney's services are part of:

- (1) A formal legal proceeding that is pending in another jurisdiction and in which the attorney is authorized to appear;
- (2) A formal legal proceeding that is anticipated but is not yet pending in California and in which the attorney reasonably expects to be authorized to appear;
- (3) A formal legal proceeding that is anticipated but is not yet pending in another jurisdiction and in which the attorney reasonably expects to be authorized to appear;  
or
- (4) A formal legal proceeding that is anticipated or pending and in which the attorney's supervisor is authorized to appear or reasonably expects to be authorized to appear.

The attorney whose anticipated authorization to appear in a formal legal proceeding serves as the basis for practice under this rule must seek that authorization promptly after it becomes possible to do so. Failure to seek that authorization promptly, or denial of that authorization, ends eligibility to practice under this rule.

*(Subd (c) relettered effective January 1, 2007; adopted as subd (b) effective November 15, 2004.)*

**(d) Restrictions**

To qualify to practice law in California under this rule, an attorney must not:

- (1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;

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- (2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;
- (3) Be a resident of California;
- (4) Be regularly employed in California;
- (5) Regularly engage in substantial business or professional activities in California; or
- (6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

*(Subd (d) relettered effective January 1, 2007; adopted as subd (c) effective November 15, 2004.)*

**(e) Conditions**

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

- (1) The jurisdiction of the State Bar;
- (2) The jurisdiction of the courts of this state to the same extent as is a licensee of the State Bar; and
- (3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar, and these rules.

*(Subd (e) amended effective January 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(f) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (e) effective November 15, 2004.)*

**(g) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*(Subd (g) amended effective January 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007.)*

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*Rule 9.47; amended effective January 1, 2019; adopted as rule 966 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007.*

**Rule 9.48. Nonlitigating attorneys temporarily in California to provide legal services**

**(a) Definitions**

The following definitions apply to terms used in this rule:

- (1) “A transaction or other nonlitigation matter” includes any legal matter other than litigation, arbitration, mediation, or a legal action before an administrative decision-maker.
- (2) “Active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who meets all of the following criteria:
  - (A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction; and
  - (B) Remains an active attorney in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law under this rule.

*(Subd (a) amended effective January 1, 2019; adopted as subd (h) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(b) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;
- (2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a potential client, at the potential client’s request, to assist the client in deciding whether to retain the attorney;
- (3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a licensee of the State Bar or that the attorney is admitted to practice law only in the states listed; and

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- (4) Be an active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

*(Subd (b) amended effective January 1, 2019; adopted as subd (a) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(c) Permissible activities**

An attorney who meets the requirements of this rule and who complies with all applicable rules, regulations, and statutes is not engaging in the unauthorized practice of law in California if the attorney:

- (1) Provides legal assistance or legal advice in California to a client concerning a transaction or other nonlitigation matter, a material aspect of which is taking place in a jurisdiction other than California and in which the attorney is licensed to provide legal services;
- (2) Provides legal assistance or legal advice in California on an issue of federal law or of the law of a jurisdiction other than California to attorneys licensed to practice law in California; or
- (3) Is an employee of a client and provides legal assistance or legal advice in California to the client or to the client's subsidiaries or organizational affiliates.

*(Subd (c) relettered effective January 1, 2007; adopted as subd (b) effective November 15, 2004.)*

**(d) Restrictions**

To qualify to practice law in California under this rule, an attorney must not:

- (1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;
- (2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;
- (3) Be a resident of California;
- (4) Be regularly employed in California;
- (5) Regularly engage in substantial business or professional activities in California; or
- (6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

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*(Subd (d) amended and relettered effective January 1, 2007; adopted as subd (c) effective November 15, 2004.)*

**(e) Conditions**

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

- (1) The jurisdiction of the State Bar;
- (2) The jurisdiction of the courts of this state to the same extent as is a licensee of the State Bar; and
- (3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar, and these rules.

*(Subd (e) amended effective January 1, 2019; adopted as subd (d) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)*

**(f) Scope of practice**

An attorney is permitted by this rule to provide legal assistance or legal services concerning only a transaction or other nonlitigation matter.

*(Subd (f) relettered effective January 1, 2007; adopted as subd (e) effective November 15, 2004.)*

**(g) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (g) amended and relettered effective January 1, 2007; adopted as subd (f) effective November 15, 2004.)*

**(h) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar.

*(Subd (h) amended effective January 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007.)*

*Rule 9.48 amended effective January 1, 2019; adopted as rule 967 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007.*

# **EXHIBIT 6**



# The State Bar of California

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## Committee of Bar Examiners Teleconference

Open Session Minutes  
Friday, January 31, 2025  
9:04 a.m.–11:30 a.m.  
1:02 p.m.– 1:34 p.m.  
3:31 p.m.– 3:32 p.m.

**Time Meeting Commenced:** The Committee of Bar Examiners meeting commenced in open session at 9:04 a.m. The Committee moved to closed session at 11:30 a.m. The Committee returned to open session at 1:02 p.m. The Committee moved to closed session at 1:34 p.m. The meeting adjourned at 3:32 p.m.

**Time Meeting Adjourned:** 3:32 p.m.

**Chair:** Alex Chan

**Committee Coordinator:** Devan McFarland

**Members Present:** James A. Bolton, Ph.D., Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr, Justice Shama H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Alan Yochelson [joined late]

**Members Absent:** Esther Lin, Bethany J. Peak, Vincent Reyes

**State Bar Executive Staff Present:** Bridget Gramme

## OPEN SESSION

### ROLL CALL

The Committee of Bar Examiners meeting was called to order by Chair Chan. Roll call was taken and a quorum was established.

### PUBLIC COMMENT

Chair Chan called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Committee:

1. Benjamin Kohn  
Benjamin Kohn criticized the bar exam accommodations process, stating the timeline was too short for new requests and that statistics ignored unprocessed cases. Concerns were also raised about contractual limits on accommodations.

2. Ray Hayden  
Ray warned of potential bandwidth failures for the upcoming February 2025 California Bar Examination, citing past issues. Confusion over scheduling and inconsistent exam access times were also highlighted.
3. Robert Morelli  
Robert Morelli expressed frustration over test center selection for the February 2025 California Bar Examination, reporting missing emails and conflicting responses from Meazure Learning. A request was made for deadline extensions and clearer communication.
4. Jessica  
Jessica argued that administrative delays and unclear guidelines in the Law Office Study Program hindered progress. Miscommunications, long response times, and excessive fees were highlighted, though optimism was expressed about recent improvement.

## 1. Chair's Report

### 1.1 Action on the Committee of Bar Examiners Work Plan

Presentation by Kris Evans, Stanford University, Mind and Body Lab

**RESOLVED**, that the Committee of Bar Examiners approve the 2024-2025 Work Plan and revisit the plan throughout the year to assess progress and challenges.

*Moved by Mesiwala, seconded by Gongora*

*Ayes – (8) Bolton, Cao, Chan, Gongora, Kaplan, Lawrence, Mesiwala, Reyna*

*Noes – (0)*

*Abstain – (1) Kramer*

*Recuse- (0)*

*Absent – (5) Lin, Peak, Silva-Guzman, Reyes, Yochelson*

*Motion passes.*

## 2. Open Session Minutes

### 2.1 Approval of December 6, 2024, Open Session Minutes

**RESOLVED**, that the Committee of Bar Examiners approves and adopts the December 6, 2024, Committee of Bar Examiners revised public meeting minutes.

*Moved by Cao, seconded by Lawrence*

*Ayes – (10) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Silva-Guzman, Reyna, Yochelson*

*Noes – (0)*

*Abstain – (1) Mesiwala*

*Recuse- (0)*  
*Absent – (3) Lin, Peak, Reyes*

*Minutes adopted.*

## **2.2 Approval of Amendment to September 30, 2024, Open Session Minutes**

**RESOLVED**, that the Committee of Bar Examiners approves and adopts the amended September 30, 2024, Committee of Bar Examiners public meeting minutes.

*Moved by Cao, seconded by Kramer*

*Ayes – (10) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Silva-Guzman, Yochelson*

*Noes – (0)*

*Abstain – (1) Reyna*

*Recuse- (0)*

*Absent – (3) Lin, Peak, Reyes*

*Minutes adopted.*

## **3. Consent Calendar**

This item was pulled from the consent calendar for a separate discussion.

### **3.1 Report on Administrative Updates Regarding Law Schools**

**RESOLVED**, that the Committee of Bar Examiners receive and file the Report of Administrative Updates Regarding Law Schools.

### **3.2 Approval of Report to the Supreme Court on the July 2024 California Bar Examination**

**RESOLVED**, that the Committee of Bar Examiners approve the Report to the Supreme Court on the July 2024 California Bar Exam for submittal to the California Supreme Court.

**RESOLVED**, that the Committee of Bar Examiners approve the consent calendar.

*Consent calendar moved by Gongora, seconded by Cao*

*Ayes – (10) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Silva-Guzman, Reyna*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (4) Lin, Peak, Reyes, Yochelson*

*Motion passes.*

## 4. Business

### 4.1 Discussion and Action on Composition and Charter of Steering Committee to Guide Development of the New California Bar Examination

**RESOLVED**, that the committee approves the following composition for a steering committee on the development of a new bar examination:

- Chair, a current or retired member of the judiciary (1) (appointed by Supreme Court)
- CBE members (2) (appointed by CBE chair)
- BOT member (1) (appointed by BOT chair)
- State Bar’s Exam Development and Grading (EDG) team chair (1)
- Exam developer/psychometrician (1) (appointed by Supreme Court)
- Universal Design testing expert (1) (appointed by Supreme Court)
- Emerging technologies/ innovative testing expert (1) (appointed by Supreme Court)
- Professional licensure expert (1) (appointed by Supreme Court)
- Supreme Court liaison (1) – Nonvoting

and it is

**FURTHER RESOLVED**, that the steering committee on the development of a new bar exam will serve for an 18-month term, commencing upon the Supreme Court’s appointment of a chair and its appointees; and it is

**FURTHER RESOLVED**, that the committee directs staff to submit the approved steering committee composition and term to the Board of Trustees for approval at its February 20-21, 2025, meeting.

*Motion moved by Cao, seconded by Gongora*

*Ayes – (11) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Silva-Guzman, Reyna, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (3) Lin, Peak, Reyes*

*Motion passes.*

### 4.2 Action on Revisions to the Practical Training of Law Students and Law Office Study Rules: Recommendation to Circulate for Public Comment

Item withdrawn.

### 4.3 Discussion on Proposed Revisions to Unaccredited Law School Rules and Guidelines for Unaccredited Law School Rules

Item withdrawn.

#### **4.4 Presentation on Institutional Accreditation by Representatives of WASC Senior College and University Commission [Special Set for 1:00 pm]**

Presentation by Dr. Linda Peterson, Vice President & Staff Liaison, WASC Senior College & University Commission.

#### **4.5 Action on Revisions to the Admissions Rules and Guidelines Pertaining to Examination Conduct Violations: Recommendation to Circulate for Public Comment**

Item withdrawn.

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

**RESOLVED**, that the Committee of Bar Examiners approve the amended Refund of Fees Policy as set forth in Attachments A-B, request approval by the Board of Trustees, so that the amended Policy will be effective immediately following approval by the Board.

*Motion moved by Kramer, seconded by Cao*

*Ayes – (11) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Silva-Guzman, Reyna, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (3) Lin, Peak, Reyes*

*Motion passes.*

### **5. Director's Report**

#### **5.1 Update on the February 2025 California Bar Examination**

Amy Nunez provided a presentation and oral report.

#### **5.2 Update on Content Review Panel**

Adrian Galang provided a presentation and oral report.

#### **5.3 Update on the Video Recording Informal Conferences**

Tara Clark provided a presentation and oral report.

#### **5.4 Update on Phase One of California Bar Exam Experiment**

Adrian Galang provided a presentation and oral report.

## **5.5 Update on Admissions Data Dashboard**

Cody Hounanian provided a presentation and oral report.

### **CLOSED SESSION**

#### **1. Closed Session Minutes**

##### **1.1. Approval of December 6, 2024, Closed Session Minutes**

*\*Closed pursuant Business and Professions Code § 6026.7(c)(3)-(4) and Government Code §§ 11126(c)(1) and 11126(e)(1)]*

#### **2. Closed Session Consent Calendar**

##### **2.1 Report of Staff Moral Character Determinations**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

##### **2.2 Report on State Bar Court Decisions**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

##### **2.3 Report on Status of Pending Moral Character State Bar Court Cases**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

#### **3. Closed Business**

##### **3.1 Report from Counsel**

*Brewer v. State Bar, et. al, E.D. Cal. Case No. 2:23-cv-00860-TLN-JDP; 9th Circuit Case No. 24-2151;*

*Hill v. Peoples College of Law et al., C.D. Cal., Case No. 2:23CV1298*

*Santillan v. California Bar Examiners, et al., E.D. Cal., E.D. Cal. Case No. 2:24CV571; 9th Circuit Case No. 24-6342*

*Diviacchi v. Stallings et al., N.D. Cal., Case No. 24-CV-7827*

*\*Closed pursuant to Government Code § 11126(e)(1)]*

##### **3.2 Action on Operation & Management Appeals**

*\*Closed pursuant to Business & Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)]*

##### **3.3 Action on Testing Accommodation Appeals**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)*

##### **3.4 Action on Moral Character Cases Pending Administrative Review**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)*

**3.5 Update and Action on Administration and Security of Test Administration for the February 2025 Bar Examination**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)*

**ADJOURNMENT**

# **EXHIBIT 7**



# The State Bar of California

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## Regular Meeting of the Board of Trustees Hybrid

Open Session Minutes  
Thursday, May 22, 2025  
11:30 a.m.–5:29 p.m.

**Time meeting Commenced:** The Board meeting commenced in open session at 11:30 a.m.  
**Time meeting Adjourned:** 5:25 p.m.  
**Chair:** Brandon Stallings  
**Board Secretary:** Louisa Ayrapetyan  
**Members Present:** Patricia Barahona, José Cisneros, Cynthia Grande, Ryan Harrison, Mary Huser, Arnold Sowell Jr., Brandon Stallings, Mattheus Stephens (joined late), Mark Toney, Genaro Trejo  
**Members Absent:** Raymond Buenaventura, Sarah Good, Debra Gore  
**Staff Present:** Ellin Davtyan, Erika Doherty, Leah Wilson

### OPEN SESSION

#### ROLL CALL

The Board of Trustees meeting was called to order by Chair Stallings. Roll call was taken and a quorum was established.

#### PUBLIC COMMENT

Chair Stallings called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Board:

1. Jeremy Kline:  
A certified family law specialist and former member of the Board of Legal Specialization, Kline opposed the proposed sunset of the CBLS. He urged the Board to reconsider the long-term elimination of the program, warning against delegating functions solely to staff or consultants, referencing the recent bar exam failures as evidence of the need for specialist involvement.
2. Salena Copeland:  
Executive Director of the Legal Aid Association of California, Copeland voiced support for items 7.2, 7.4, 3.1, and 5.3. She highlighted the usefulness of the audit data showing grant distribution, endorsed the Justice Gap study, supported the community justice worker model, and urged approval of increased legal services funding.
3. Benjamin Kohn:  
Expressed concerns about inadequate communication regarding July exam deadlines and the perception that remedies would be finalized by the May 30 CBE meeting. He also

reported that Measure shuffled grading files between applicants and urged the Board to notify all examinees to review their past answers to identify any file mismatches.

4. Samantha Maloney:  
A survivor of sexual abuse in the music industry, Maloney urged the Board to adopt two proposals from the organization Stand With Survivors: (1) add a question about past sexual misconduct to the moral character application, and (2) prohibit attorneys from participating in harassment campaigns against survivors. She emphasized the importance of protecting public trust in the profession.
5. Ray Hayden:  
Criticized the written portion of the bar exam and shared prior suggestions he made to the State Bar, including eliminating the written section. He claimed that pass rates improved when written sections were dropped for the First-Year Law Student Exam, and said subjective grading is harming qualified applicants. Urged low-cost reforms involving law school faculty.
6. Claire Solot:  
Echoed earlier comments about the July exam refund deadline approaching without finalization of key February 2025 remedies. She submitted written comments detailing how prior remedies were implemented more quickly, and urged the Board to stop delaying actions already addressed by the CBE, warning that 3,000 applicants are being left in limbo.
7. Katie Scali:  
Informed the Board that the Senate bill previously cited to justify reciprocity for attorneys has been amended. It now limits reciprocity to former federal employees, meaning attorneys who failed the February 2025 exam can no longer rely on that bill for licensure. She urged the Board to consider this change in its remedy planning.
8. Dan Molina:  
Asked why the provisional licensure petition had not yet been submitted, stressing that many affected applicants are in crisis, with families, bills, and job offers on the line. He said the February 2025 exam was fundamentally ungradable and called psychometric adjustments “doublespeak.” Warned that mental health among applicants is deteriorating and begged the Board to act urgently.
9. Zack Defazio Farrell:  
Urged the Board to act with urgency, calling for immediate enrollment of all eligible applicants into the provisional licensure program. He said thousands of applicants are waiting while trying to support families in a high-cost state. Criticized the lack of timely response and emphasized that the Board is a public entity with responsibilities to act swiftly.

Chair Stallings announced that pursuant to Government Code section 11126(c)(2) the Board of Trustees will move to closed session to discuss the discipline system training; review of discipline system cases involving confidential information.

## OPEN SESSION

The Board reconvened in open session and announced that there were no actions to report from the closed session.

### 1. Chair's Report

#### 1.1 Oral Report

Chair Stallings deferred his report until the May 23, 2025, meeting.

#### 1.2 Approval of Board Committee Appointments and Update on Board Liaison Assignments

This item was deferred until the May 23, 2025, meeting.

### 2. Executive Director's Report

#### 2.1 Oral Report

Executive Director Wilson deferred her report until the May 23, 2025, meeting.

### 3. Committee Report

#### 3.1 Presentation of Audit of Legal Services Trust Fund Commission Grant Awards Pursuant to Business and Professions Code Section 6210.5(g)

Presenter: Heidi Slater, Program Manager, Office of Access and Inclusion

Presentation and discussion only.

### 4. Open Session Minutes

#### 4.1 Approval of November 14–15, 2024, Board of Trustees Open Session Minutes

#### 4.2 Approval of December 2, 2024, Board of Trustees Open Session Minutes

#### 4.3 Approval of January 7, 2025, Board of Trustees Open Session Minutes

#### 4.4 Approval of February 20–21, 2025, Board of Trustees Open Session Minutes

#### 4.5 Approval of March 5, 2025, Board of Trustees Open Session Minutes

#### 4.6 Approval of April 2, 2025, Board of Trustees Open Session Minutes

#### 4.7 Approval of May 9, 2025, Board of Trustees Open Session Minutes

**RESOLVED**, that the Board of Trustees approve items 4.1 through 4.7, open session minutes, as a single action item.

*Moved by Toney, seconded by Huser*

*Ayes – (8) Barahona, Cisneros, Grande, Huser, Sowell, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (1) Harrison*

*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Motion carries.*

**RESOLVED**, that the Board of Trustees approve the combined open session minutes presented in items 4.1 through 4.7.

*Moved by Trejo, seconded by Barahona*

*Ayes – (8) Barahona, Cisneros, Grande, Huser, Sowell, Toney, Trejo, Stallings*  
*Nays – (0)*  
*Abstain – (1) Harrison*  
*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Minutes adopted.*

## **5. Consent Calendar**

### **5.1 Approval of Specified Contracts Pursuant to Business and Professions Code Section 6008.6**

**RESOLVED**, that the Board of Trustees approves execution of the contracts listed herein.

### **5.2 Proposed Changes to California Rules of Court to Modify Rule Regarding Stipulations for Modification of Probation Terms (Rule 9.10(c)) and to Add New Rule Regarding Professional Responsibility Examination Requirement (Rule 9.24): Return from Public Comment, Request for Approval and Submission to the California Supreme Court**

**RESOLVED**, following notice and publication for comment, that the Board of Trustees, sitting as the Regulation and Discipline Committee, approves the amendments to California Rules of Court, rule 9.10(c) set forth in Attachments A and B, and the proposed new rule 9.24 set forth in Attachment C; and it is

**FURTHER RESOLVED**, that staff is directed to submit the proposed amendment to California Rules of Court, rule 9.10(c) set forth in Attachments A and B, and proposed new rule 9.24 set forth in Attachment C to the California Supreme Court.

### **5.4 Request for Approval of Proposed Amendments to Beverly Hills Bar Association Mandatory Fee Arbitration Rules**

**RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee hereby approves the Beverly Hills Bar Association’s amendments to the Rules of Procedure for Fee Arbitrations, in the form attached as Attachment A, as being in compliance with Business and Professions Code sections 6200–6206 and the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitrations.

### **5.6 Approval of Licensee Requests for Adjustments of Fees, Penalties, and Charges**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee, approves the fee adjustments for the State Bar licensees as presented this day, and on file in the San Francisco office of the State Bar.

### **5.7 Arbitration Advisory 2025-01 (Superseding Arbitration Advisory 1998-03): Determination of a “Reasonable” Fee – Request for Approval for Publication**

**RESOLVED**, that the Board of Trustees sitting as the Regulation and Discipline Committee; recommends that the Board of Trustees approve the publication of Arbitration Advisory Opinion 2025-01, attached hereto as Attachment A.

## **5.8 Approval of Annual Appointments of Officers and Members of State Bar Subentities**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, nominate to the Supreme Court the list of candidates, as presented in Attachment A, for appointment to serve on the Committee of Bar Examiners, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2029, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the list of alternate members as presented in Attachment A, each for the remainder of the resigning member's term if a midterm vacancy is created.

### **California Board of Legal Specialization**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of the officers, as presented in Attachment B, for appointment to serve on the California Board of Legal Specialization, for a one-year term, commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2026, or until further order of the Board of Trustees, whichever occurs earlier.

### **Council on Access and Fairness**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of officers as presented in Attachment C, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2026, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of member candidates as presented in Attachment C, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2029, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the list of alternate members as presented in Attachment C, each for the remainder of the resigning member's term if a midterm vacancy is created.

### **Committee of Professional Responsibility and Conduct**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of officers as presented in Attachment D, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2026, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of member candidates as presented in Attachment D, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September

2025, and expiring at the close of the meeting of the Board of Trustees on September 2029, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**Client Security Fund Commission**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the appointment of officers as presented in Attachment E, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2026, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the reappointment of member candidate as presented in Attachment E, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2029, or until further order of the Board of Trustees, whichever occurs earlier.

**Lawyer Assistance Program Oversight Committee**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the appointment of the chair as presented in Attachment F, for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2026, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the reappointment of member candidate as presented in Attachment F, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2029, or until further order of the Board of Trustees, whichever occurs earlier.

**Review Committee of the Commission on Judicial Nominees Evaluation**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the appointment of the chair as presented in Attachment G, for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2026, or until further order of the Board of Trustees, whichever occurs earlier.

**Commission on Judicial Nominees Evaluation**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the appointment of officers as presented in Attachment H, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2026, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the appointment of member candidates as presented in Attachment H, for a four-year term, commencing at the close of the meeting of the Board of Trustees on January 2025, and expiring at the close of the meeting of the Board of Trustees on September 2029, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the list of alternate members as presented in Attachment H, each for the remainder of the resigning member’s term if a midterm vacancy is created.

**Judicial Council of California**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the appointment of member candidate as presented in Attachment I, for a three-year term, commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2028, or until further order of the Board of Trustees, whichever occurs earlier.

**California Access to Justice Commission**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the appointment of member candidates as presented in Attachment J, for a three-year term, commencing at the close of the meeting of the Board of Trustees on September 2025, and expiring at the close of the meeting of the Board of Trustees on September 2028, or until further order of the Board of Trustees, whichever occurs earlier.

**5.10 Approval of 2025 Quarter One Investment Report**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee approve the 2025 Quarter One Investment Report for the three months ended March 31, 2025, in the form presented this day.

**5.11 Approval of 2025 Quarter One Board and Management Travel Expense Report**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee approve the 2025 Quarter One Investment Report for the three months ended March 31, 2025, in the form presented this day.

*Consent calendar moved by Sowell, seconded by Huser*

*Ayes – (9) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Motion carries.*

The following items were pulled from the consent calendar for separate discussion.

**5.3 Approval of Annual Financial Statement Audit Pursuant to Business and Professions Code Section 6145(a), Including Legal Services Trust Fund Report Under Business and Professions Code Section 6222, and Presentation of Audit Results by Independent Auditors, Macias Gini & O'Connell**

Presenter: Coco Zeng, Controller, Office of Finance

**RESOLVED**, that the Board of Trustees, upon recommendation of the Audit Committee, receives the State Bar’s audited Financial Statements, the Statement of Expenditures of Mandatory Fees and the Legal Services Trust Fund Program Report for the year ended December 31, 2024; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Audit Committee, authorizes staff to file the State Bar’s audited Financial Statements and the Legal Services Trust Fund Program report with the Supreme Court, and the State Legislature by May 31, 2025.

*Moved by Toney, seconded by Sowell*

*Ayes – (9) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Motion carries.*

**5.5 Technical Corrections to the Schedule of Charges and Deadlines (Appendix A to the Rules of the State Bar) Including Retroactive Approval of Changes to the Annual Licensee and Noncompliance Deadline and Update to Accreditation Services Fees Based on Law School Enrollment; and Annual Recommendation to the Supreme Court for Suspensions of Licensees Delinquent in Payment of License Fees**

Presenter: Aracely Montoya-Chico, Chief Financial Officer  
Cody Hounanian, Program Director, Office of Admissions

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee, approves and adopts the amendments to the Rules of the State Bar of California, Appendix A: Schedule of Charges and Deadlines, as set forth in Attachments A (redline version) and B (clean version). Only the revised sections of Appendix A are being presented, the remainder is excluded as it remains unchanged; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee, recommends to the Supreme Court, that each licensee who fails to fully pay fees, penalties, and/or costs as established pursuant to sections 6086.10, 6140, 6140.5(c), 6140.55, 6140.6, 6140.7, 6140.9, and 6141 on or before June 30, as identified by staff, be suspended from the practice of law in California, effective July 1, or as soon as practicable thereafter for the State Bar to effectuate the suspensions, until such time as they may be reinstated, upon the payment of the delinquent fees, penalties, or costs and of such additional fees, penalties, or costs as may have accrued at the time of such payment; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee, for the purpose of withdrawing the foregoing recommendation for suspension in particular cases, authorizes and direct State Bar staff to notify the Clerk of the Supreme Court of California of the name of any licensee of the State Bar who, by proper remittance and prior to the effective date of the Supreme Court of California order of suspension, pays to the State Bar fees, penalties, or costs in the amount in which they are delinquent; and to notify the Clerk of the Supreme Court of California of the consequent withdrawal of the Board of Trustees’ recommendation for suspension; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon the recommendation of the Finance Committee, orders State Bar staff, on behalf of the Board of Trustees, to annually recommend to the Supreme Court that each licensee, as identified by staff, who fails to fully pay fees, penalties, and/or costs as established pursuant to sections 6086.10, 6140, 6140.5(c), 6140.55, 6140.6, 6140.7, 6140.9, and 6141 be suspended from the practice of law in California until such time as they may be reinstated, upon the payment of the delinquent fees, penalties, or costs and of such additional fees, penalties, or costs as may have accrued at the time of such payment; and that for the purpose of withdrawing the foregoing recommendation for suspension in particular cases, orders State Bar staff to notify the Clerk of the Supreme Court of California of the name of any licensee of the State Bar who, by proper remittance and prior to the effective date of the Supreme Court of California order of suspension, pays to the State Bar fees, penalties, or costs in the amount in which they are delinquent; and to notify the Clerk of the Supreme Court of California of the consequent withdrawal of the Board of Trustees' recommendation for suspension.

*Moved by Harrison, seconded by Sowell*

*Ayes – (9) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Motion carries.*

## **5.9 Approval of 2024 Quarter Four Financial Statements**

Presenter: Aracely Montoya-Chico, Chief Financial Officer

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee, approve the 2024 Quarter Four Financial Statements Report for the twelve months ended December 31, 2024, in the form presented this day.

*Moved by Sowell, seconded by Harrison*

*Ayes – (9) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Motion carries.*

## **6. Board of Trustees Sitting as the Regulation and Discipline Committee**

### **6.1 Proposed Amendments to Rules of Procedure of the State Bar of California, Division 5, Chapters 1 and 2, Modification of Probation Conditions and Probation Revocation Proceedings: Request to Circulate for Public Comment**

Presenter: Melanie Lawrence, Program Director, Office of Professional Support & Client Protection

**RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 45 days, the proposed amendments to the Rules of Procedure of the State Bar of California, Division 5, Chapters 1 and 2, Rules 5.300–5.314.

*Moved by Cisneros, seconded by Harrison*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens<sup>1</sup>, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

### **6.2 Proposed Amendments to Rules of Professional Conduct (Rules 8.2 and 8.4): Request to Circulate for Public Comment**

Presenter: Catherine Ongiri, Program Director, Office of Professional Competence

**RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 45 days, the Committee on Professional Responsibility and Conduct’s proposed amendments to rule 8.2 of the California Rules of Professional Conduct with as provided in Attachment A; and it is

**FURTHER RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 45 days, the Committee on Professional Responsibility and Conduct’s proposed amendments to rule 8.4 of the California Rules of Professional Conduct with as provided in Attachment B; and it is

**FURTHER RESOLVED**, that this authorization for release of public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed new Rule of Professional Conduct.

*Moved by Harrison, seconded by Grande*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

### **6.3 Proposed Amendments to the Rules of Procedure of the State Bar Regarding the Alternative Discipline Program (Rules 5.381, 5.382, 5.384, 5.386, and 5.389.1): Request to Circulate for Public Comment**

Presenter: Kathy Sher, Clerk of the Court, State Bar Court

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<sup>1</sup> Trustee Stephens rejoined the meeting at approximately 1:14 p.m.

**RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee authorizes staff to make available for public comment for a period of 45 days proposed amendments to rules 5.381, 5.382, 5.384, 5.386, and proposed new rule 5.389.1 of the Rules of the State Bar of California, as set forth in Attachments A and B; and it is

**FURTHER RESOLVED**, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amendments to the Rules of the State Bar of California.

*Moved by Toney, seconded by Harrison*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

**6.4 Proposed New Rule 5.32 and Amendments to Rules 5.15, 5.151, 5.391, 5.441, 5.461, 3.125, and 4.47 of the Rules of the State Bar Regarding Waivers of State Bar Court Filing Fees and Transcript Costs: Request to Circulate for Public Comment**

Presenter: Kathy Sher, Clerk of the Court, State Bar Court

**RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee authorizes staff to make available for public comment for a period of 45 days proposed new rule 5.32, proposed amendments to rules 5.15, 5.151, 5.391, 5.441, and 5.461, and proposed footnotes to rules 3.125 and 4.47 of the Rules of the State Bar of California, as set forth in Attachments A and B; and it is

**FURTHER RESOLVED**, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amendments to the Rules of the State Bar of California.

*Moved by Harrison, seconded by Sowell*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

**6.5 Report on Random Audit of the Office of Chief Trial Counsel Files Closed Between March 1, 2023, and August 31, 2023, and Office of Chief Trial Counsel Response**

Presenter: George Cardona, Chief Trial Counsel

Presentation and discussion only.

**6.6 Report on Random Audit of the Special Deputy Trial Counsel Files Closed Between May 1, 2023, and April 30, 2024, and Special Deputy Trial Counsel Administrator Response**

Presenter: Stacia Laguna, Special Deputy Trial Counsel Administrator

Presentation and discussion only.

**7. Business**

**7.1 Update from the Office of Admissions; Proposed Amendments to Rule 9.42 of the Rules of Court, Rules of the State Bar Related to the Practical Training of Law Students and Law Office Study Programs (Rules 3.1–3.11 and 4.29), and Appendix A of the Rules of the State Bar: Request to Circulate for Public Comment; Approval of a New Legal Specialization Certification Area in Privacy Law**

Presenters: Donna Hershkowitz, Chief of Admissions  
Tara Clark, Program Director, Operations, Office of Admissions

**RESOLVED**, that the Board of Trustees authorizes staff to make available for public comment, for a period of 60 days, the proposed revisions to the rules governing the Certified Law Student Program (currently known as the Practical Training of Law Students Program) and the Law Office Study Program, as set forth in Attachments B through H.

*Moved by Stephens, seconded by Huser*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo, Stallings*  
*Nays – (0)*  
*Abstain – (0)*  
*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

**7.1 Update from the Office of Admissions; Proposed Amendments to Rule 9.42 of the Rules of Court, Rules of the State Bar Related to the Practical Training of Law Students and Law Office Study Programs (Rules 3.1–3.11 and 4.29), and Appendix A of the Rules of the State Bar: Request to Circulate for Public Comment; Approval of a New Legal Specialization Certification Area in Privacy Law**

Presenter: Adrian Galang, Program Manager, Office of Admissions

**RESOLVED**, that the Board of Trustees approve the recommendations of the California Board of Legal Specialization to establish Privacy Law as a new legal specialty area; and it is

**FURTHER RESOLVED**, that the Board directs staff to circulate for a 90-day public comment period the Standards for Certification and Recertification for a Legal Specialization Certification in Privacy Law set forth in Attachment A.

*Moved by Harrison, seconded by Grande*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo, Stallings*

*Nays – (0)*  
*Abstain – (0)*  
*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

### **7.3 Discussion and Approval of Five-Year Sunset Review Recommendations**

Presenter: Louisa Ayrapetyan, Board Secretary, Office of the Executive Director

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee retain the Committee of State Bar Accredited and Registered Schools, the Council on Access and Fairness, and the Committee on Professional Responsibility and Conduct, with the proposed operational modifications outlined in this staff report; and it is

**FURTHER RESOLVED**, that any retained subentities that do not currently submit annual work plans shall begin doing so, with such plans subject to review and approval by the Board Executive Committee, in alignment with existing practices for other Board subentities.

*Moved by Sowell, seconded by Grande*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo, Stallings*  
*Nays – (0)*  
*Abstain – (0)*  
*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

### **7.4 Consideration of Legislative Priorities for 2025; Update of Guiding Principles for Legislative Program**

Presenters: Donna Hershkowitz, Chief of Admissions  
Erica Connolly, Chair, Legal Services Trust Fund Commission

**RESOLVED**, that the Board of Trustees, in lieu of adopting specific legislative priorities and affirmative legislative proposals, directs staff to focus 2025 legislative efforts on advancing the fee bill, responding to the significant issues facing the State Bar in the admissions space, and providing appropriate technical support; and it is

**FURTHER RESOLVED**, that the Board of Trustees adopts the revised State Bar Legislative Program: Purpose and Guiding Principles, set forth as Attachment A.

*Moved by Sowell, seconded by Harrison*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo, Stallings*  
*Nays – (0)*  
*Abstain – (0)*  
*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

**7.5 Approval and Ratification of Amendments to the Board Policy Manual; Approval of Amendments to Appendix A, Appendix B, and Title 3, Division 5, Chapter 2 of the Rules of the State Bar to Update References and Conform to Prior Board Actions; Request to Circulate for Public Comment the Repeal of the Rules of the State Bar Title 6 (Division 4, Article V [Meetings of the State Bar], Division 1, Chapter 4 [Responsibilities of Officers], Division 4, Rule 6.91 [Offices of the State Bar of California], and Division 4, Article IX [Referendum to All Licensees]) and Amendment to Rule of Procedure of the State Bar 5.441**

Presenter: Louisa Ayrapetyan, Board Secretary, Office of the Executive Director

**RESOLVED**, that the Board of Trustees, upon the recommendation of the Board Executive Committee approves the revised Board Policy Manual as presented in Attachment A, except that the proposed new section 8.4 “Compliance with State Bar’s Record Retention Policy” is not approved at this time.

*Moved by Toney, seconded by Stallings*

*Ayes – (9) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo*

*Nays – (1) Stallings*

*Abstain – (0)*

*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

**7.5 Approval and Ratification of Amendments to the Board Policy Manual; Approval of Amendments to Appendix A, Appendix B, and Title 3, Division 5, Chapter 2 of the Rules of the State Bar to Update References and Conform to Prior Board Actions; Request to Circulate for Public Comment the Repeal of the Rules of the State Bar Title 6 (Division 4, Article V [Meetings of the State Bar], Division 1, Chapter 4 [Responsibilities of Officers], Division 4, Rule 6.91 [Offices of the State Bar of California], and Division 4, Article IX [Referendum to All Licensees]) and Amendment to Rule of Procedure of the State Bar 5.441**

Presenter: Louisa Ayrapetyan, Board Secretary, Office of the Executive Director

**RESOLVED**, that the Board of Trustees, upon the recommendation of the Board Executive Committee approve the amendments to the State Bar Rules set forth at pages 1–4 of Attachment B and that the Board of Trustees direct staff to circulate for public comment for a period of 45 days the amendments to the State Bar Rules set forth at pages 5–13 of Attachment B.

*Moved by Toney, seconded by Cisneros*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

## 7.6 Approval of 2025 Quarter One Financial Statements Report

Presenter: Aracely Montoya-Chico, Chief Financial Officer

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee, approve the 2025 Quarter One Financial Statements Report for the three months ended March 31, 2025.

*Moved by Sowell, seconded by Toney*

*Ayes – (10) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Stephens, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (3) Buenaventura, Good, Gore*

*Motion carries.*

The meeting was recessed until Friday, May 23, 2025.

Regular Meeting of the Board of Trustees  
Hybrid

Open Session Minutes  
Friday, May 23, 2025  
9:11 a.m.–2:01 p.m.

**Time meeting Commenced:** The Board meeting commenced in open session at 9:11 a.m. The Board moved into closed session at 12:29 p.m. The Board returned to open session at 2:01 p.m.

**Time meeting Adjourned:** 2:01 p.m.

**Chair:** Brandon Stallings

**Board Secretary:** Louisa Ayrapetyan

**Members Present:** Patricia Barahona, José Cisneros, Cynthia Grande, Arnold Sowell Jr., Brandon Stallings, Mark Toney, Genaro Trejo

**Members Absent:** Raymond Buenaventura, Sarah Good, Debra Gore, Mattheus Stephens

**Staff Present:** Ellin Davtyan, Erika Doherty, Leah Wilson

**OPEN SESSION**

**ROLL CALL**

The Board of Trustees meeting was called to order by Chair Stallings. Roll call was taken and a quorum was established.

**1. Chair's Report**

**1.1 Approval of Executive Director Leah Wilson's Resolution of Appreciation**

**WHEREAS**, Leah Wilson will conclude her service as Executive Director of the State Bar of California on July 7, 2025, after nearly 10 years of dedicated service as Chief Operations Officer and Executive Director to the organization, the legal profession, and the people of California; and

**WHEREAS**, under Leah Wilson's leadership, the State Bar has embraced a culture of excellence, reshaping the organization's internal structures to better serve both the public and the legal profession; and

**WHEREAS**, Leah Wilson cultivated the State Bar as an exemplary workplace through strategic investments in professional development, equitable compensation structures, and a values-driven organization that fosters engagement and retention; and

**WHEREAS**, due entirely to Leah Wilson's initiative and vision, all State Bar staff know that our values are clarity, investing in our people, excellence, respect, and growth mindset, and hold us to them; and

**WHEREAS**, Leah Wilson has demonstrated extraordinary fiscal leadership, securing vital resources for the organization through two fee increases, improving fiscal management practices, and developing innovative solutions for debt management that balance collection needs with fairness; and

**WHEREAS**, under Leah Wilson's leadership and in collaboration with the Board, the Ad Hoc Committee on Oversight and Accountability Reforms, and Office of General Counsel, a number of

conflicts of interest and other accountability and governance reforms were successfully implemented; and

**WHEREAS**, Leah Wilson has been and to this day remains dedicated to transparency, accountability, and excellence for the organization, and helped the Board of Trustees shape strategic plans designed to achieve these goals; and

**WHEREAS**, Leah Wilson led the State Bar through a structural transformation, separating the trade association function in 2018 to transform the State Bar into a true regulatory agency with a renewed focus on public protection; and

**WHEREAS**, Leah Wilson, in collaboration with the Board of Trustees, strengthened public protection, including through the development and implementation of the Client Trust Account Protection Program and Rule 8.3 of the Rules of Professional Conduct; and

**WHEREAS**, Leah Wilson pioneered groundbreaking initiatives to address systemic inequities in the legal profession, including implementing data-driven strategies and evidence-based approaches to promote fairness in the attorney discipline system, create mechanisms to measure and promote diversity throughout California's legal community, and address critical access to justice challenges; and

**WHEREAS**, Leah Wilson expanded access to justice by spearheading research on legal service gaps throughout California, studying innovative programs, and developing solutions to address unmet legal needs across all income levels; and

**WHEREAS**, Leah Wilson championed equity and inclusion within the legal profession through pioneering research on systemic disparities through the Attorney Disparities Studies and the Ad Hoc Commission on the Discipline System; now, therefore, be it

**RESOLVED**, that the State Bar Board of Trustees expresses its profound gratitude and appreciation to Leah Wilson for her exceptional leadership, visionary initiatives, and significant contributions that have strengthened the State Bar of California and enhanced its ability to fulfill its public protection mission; and be it further

**RESOLVED**, that the State Bar Board of Trustees extends its warmest wishes to Leah Wilson for continued success and fulfillment in all her future endeavors.

*Moved by Stallings, seconded by Cisneros*

*Ayes – (9) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Motion carries.*

## **1.2 Approval of Board Secretary Louisa Ayrapetyan’s Resolution of Appreciation**

**WHEREAS**, Louisa has demonstrated exceptional dedication and versatility throughout her remarkable thirteen-year tenure with the State Bar of California, advancing steadily from Administrative Assistant I in the Admissions Office in February 2012, through eight progressive positions spanning seven different offices, ultimately rising to her current role as Principal Program Analyst II in the Executive Director's Office, showcasing her adaptability, institutional knowledge, and commitment to the State Bar's mission; and

**WHEREAS**, Louisa has served the State Bar of California with exceptional dedication and professionalism, demonstrating outstanding leadership in Board governance and management; and

**WHEREAS**, Louisa has been a steadfast pillar of support for Board Trustees and Committee Coordinators, developing the first-ever Coordinator's Manual, facilitating monthly coordinator meetings, implementing best practices in meeting procedures, and ensuring compliance with Bagley-Keene open meeting requirements; and

**WHEREAS**, Louisa demonstrated remarkable initiative in modernizing Board communications by developing a SharePoint site for information storage and sharing, transitioning weekly Board Blasts to a newsletter format; and

**WHEREAS**, Louisa implemented and successfully launched the OneMeeting agenda management system, creating comprehensive guidelines, manuals, and resources while training Board members, committee members, and staff on its effective use; and

**WHEREAS**, Louisa has consistently embraced technology and innovation throughout her tenure, proactively exploring and implementing new tools to make processes more efficient, presentations more polished, and information more accessible to Board members, staff, and the public; and

**WHEREAS**, Louisa has made significant improvements to the State Bar's public comment processes, ensuring that members of the public have clear, accessible, and user-friendly ways to make their voices heard, thereby enhancing transparency and public participation in the organization's governance; and

**WHEREAS**, Louisa is known for her unwavering "yes, we can!" spirit, patience in abundance, exceptional ability to maintain composure and clarity while juggling a multitude of tasks, and being one of the most approachable and kindest individuals at the State Bar, all of which have earned her the profound respect and admiration of the Board of Trustees, committee members, and staff; and

**WHEREAS**, Louisa has been the Executive Director's right hand and left hand, right brain and left brain, providing the perfect balance of creativity and structure, vision and detail, to such an extent that the Executive Director’s own successes are inextricably linked to Louisa's exceptional talents; and

**WHEREAS**, Louisa's contributions to the State Bar of California have significantly enhanced the organization's governance processes, communication protocols, and operational efficiency; now, therefore, be it

**RESOLVED**, that the State Bar Board of Trustees expresses its profound gratitude and deepest appreciation to Louisa for her exemplary service, remarkable accomplishments, and invaluable contributions to ensuring that the State Bar of California effectively fulfills its public protection mission.

*Moved by Cisneros, seconded by Stallings*

*Ayes – (9) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Motion carries.*

### **1.3 Approval of Board Committee Appointments and Update on Board Liaison Assignments**

**RESOLVED**, that the Board of Trustees approve the appointment of Trustee Debra Gore to the Finance Committee and Trustee Ryan Harrison to the Audit Committee, effective May 23, 2025; and it is

**FURTHER RESOLVED**, that the Board of Trustees approve the removal of Trustee Buenaventura from Finance Committee and Trustee Barahona from the Audit Committee.

*Moved by Sowell, seconded by Harrison*

*Ayes – (9) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Motion carries.*

## **2. Executive Director’s Report**

### **2.1 Oral Report**

Executive Director Leah Wilson provided an oral report.

### **7.2 Discussion Regarding the 2024 California Justice Gap Study and State-Level Approaches to Expanding Legal Services**

Presenters: Lisa Chavez, Program Director, Office of Research & Statistics  
Elizabeth Hom, Program Director, Office of Access & Inclusion  
Jennifer Zelnick, Lead Program Analyst, Office of Access & Inclusion

Presentation and discussion only.

### **7.4 Consideration of Legislative Priorities for 2025; Update of Guiding Principles for Legislative Program**

Presenter: Donna Hershkowitz, Chief of Admissions

**RESOLVED**, that the Board of Trustees adopts the following guiding principles and priorities in developing recommendations for development and administration of the California Bar Exam for 2026 and beyond; and it is

**FURTHER RESOLVED**, that the Board of Trustees recommends the Committee of Bar Examiners join the Board of Trustees in adopting the following guiding principles and priorities in developing recommendations for development and administration of the California Bar Exam for 2026 and beyond:

- Doing it right is more important than
  - Doing it fast
  - Doing it cheap
  
- Delivering a reliable and predictable exam
- Minimizing risk
  - If changes are made, phase rollout, move with caution
  - If changes are made, use proven technology, with appropriate testing + risk minimization
  
- Delivering an exam that appropriately assesses for minimum competence to practice law in California
- Exam must be accessible, affordable, fair, and equitable for test takers
- Lessons from the February 2025 Bar Exam must be learned before moving to a remote, online exam
- Consider developing an exam that can be delivered on a more frequent basis than 2 times 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 BOT, CBE, and Supreme Court
  - Engage with legislative partners
  
- We can't rely on "business as usual" to drive the approach

*Moved by Sowell, seconded by Toney*

*Ayes – (9) Barahona, Cisneros, Grande, Harrison, Huser, Sowell, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (4) Buenaventura, Good, Gore, Stephens*

*Motion carries.*

Chair Stallings announced that pursuant to Government Code sections 11126(e)(2)(B)(i) and 11126(a)(1), the Board of Trustees will move to closed session to consider the items listed on the closed session agenda.

## **CLOSED SESSION**

### **1. Closed Session Minutes**

**1.1 Approval of November 14–15, 2024, Board of Trustees Closed Session Minutes**

**1.2 Approval of February 20–21, 2025, Board of Trustees Closed Session Minutes**

**1.3 Approval of March 5, 2025, Board of Trustees Closed Session Minutes**

**1.4 Approval of April 2, 2025, Board of Trustees Closed Session Minutes**

**1.5 Approval of May 9, 2025, Board of Trustees Closed Session Minutes**

### **2. Closed Business**

**2.1 Conference with Legal Counsel—Anticipated Litigation**

*\*Closed Pursuant to Government Code Section 11126(e)(2)(B)(i)*

**2.2 Performance Evaluation of General Counsel**

*\*Closed Pursuant to Government Code § 11126(a)(1).*

**2.3 Appointment Process for Executive Director**

*\*Closed Pursuant to Government Code § 11126(a)(1).*

### **3. Board of Trustees Sitting as the Regulation and Discipline Committee**

**3.1 Performance Evaluation of Chief Trial Counsel**

*\*Closed Pursuant to Government Code § 11126(a)(1).*

## **OPEN SESSION**

The Board reconvened in open session and announced that there were no actions to report from the closed session.

## **ADJOURN**

# **EXHIBIT 8**



# The State Bar of California

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## Committee of Bar Examiners Teleconference

Open Session Minutes  
Friday, June 20, 2025  
9:04 a.m.–11:39 a.m.  
1:04 p.m.–3:44 p.m.  
4:36 p.m.–4:37 p.m.

**Time Meeting Commenced:**

The Committee of Bar Examiners meeting commenced in open session at 9:04 a.m. The Committee moved to closed session at 11:29 a.m. The Committee returned to open session at 1:04 p.m. The Committee moved to closed session at 3:44 p.m. The Committee returned to open session at 4:36 p.m. The meeting adjourned at 4:37 p.m.

**Time Meeting Adjourned:**

**Chair:**

Alex Chan <sup>1</sup>

**Committee Coordinator:**

Devan McFarland

**Members Present:**

James A. Bolton, Ph.D., Michael Cao, M.D, Alex H. Chan, Kareem Gongora [joined late], Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr, Esther Lin [joined late], Vincent Reyes, Ashley Silva-Guzman, Juliane Smith [joined late], Alan Yochelson

**Members Absent:**

Justice Shama H. Mesiwala, Joshua Montgomery, Bethany J. Peak, Judge Renee C. Reyna

**State Bar Executive Staff Present:**

Donna Hershkowitz

## OPEN SESSION

### ROLL CALL

The Committee of Bar Examiners meeting was called to order by Vice-Chair Yochelson. Roll call was taken, and a quorum was established.

### PUBLIC COMMENT

Vice-Chair Yochelson called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Committee:

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<sup>1</sup> Vice-Chair Yochelson served as acting chair for the meeting.

1. Benjamin Kohn:  
Spoke on behalf of Jeamilette Castro Gallo, stating that the report that supported her denial of testing accommodations is not legally sufficient grounds to deny recommended accommodations. Asserted that the consultant's opinion failed to rebut the presumption of reasonableness and urged correction of the decision before escalation to the Supreme Court.
2. Jeamilette Castro Gallo:  
Stated partial denial of testing accommodations came two months after submission and has faced continued discrimination due to her disability. Expressed frustration with consultant evaluations failure to provide a justification for the denial; urged the Committee of Bar Examiners to review evidence from her doctors at the upcoming July 9 appeal hearing.
3. Terry Elliott:  
Stated no appreciable remedies afforded to date stemming from the February 2025 bar exam; asserted was denied accommodations on the exam and not permitted to participate in the provisional licensure program despite scoring near the passing threshold because she is a repeater. Questioned the prioritization of litigation against software vendors over providing remedies to affected applicants.
4. Dana Allen:  
Reported being logged into another test takers exam session while they were taking the MCQs; argued that resulted in all work written after that on that day being lost, leading to not passing the exam. Described the financial and emotional impact and requested score adjustments or point increases to account for disruption.
5. Tatevik Asilbekyan:  
Opposed the performance test imputation method and its disproportionate effect on international and repeat applicants. Requested that alternative scoring models or provisional licensure be extended to those who received second reads or narrowly missed passing.
6. Khalil Jarrar:  
Urged equitable treatment for repeat takers who experienced the same testing conditions as first-time takers but were excluded from provisional licensure. Proposed lowering the passing score or uniformly adjusting multiple-choice scores.
7. Mahdis:  
Objected to the performance test imputation model, arguing it diluted her actual performance. Requested that the scoring be based on individual essay results rather than peer averages.
8. Jessica Jacobs:  
Objected to the denial of 18 months of credit for the Law Office Study Program and the inability to present facts to the Committee or respond to the staff memo. Objected to staff concerns with noncontemporaneous compilation of materials; felt staff did not present materials in a fair way, "burying" supervising attorney's letter on page 328 of the document.

9. Claire Solot:  
Advocated for supervised practice and alternative licensure pathways. Urged the Committee of Bar Examiners to consider evidence objectively and include diverse perspectives in shaping the future of attorney licensing. Argued that close to 85% of the public support alternative licensure; and that costs of NextGen UBE would be less than costs of producing California exam.
10. Susan Bakhshian, Clinical Professor of Law & Director of Bar Programs, Loyola Law School:  
Emphasized that the Blue Ribbon Commission never endorsed the current California Bar Exam and that newer alternatives like the Nevada plan now merit consideration. Urged the Committee of Bar Examiners to revisit outdated conclusions based on recent developments.
11. Phone number ending in 0910:  
Noted being 2.5 points short of passing after PT imputation. Argued that upward adjustment should have been applied to the individual's actual PT score rather than the state average, which would have resulted in a passing score. Proposed offering applicants within 10–15 points of passing the option to retake only the MBE portion.
12. David Lindner:  
Concerned about the lack of in-state attorney generation and the state's reliance on out-of-state candidates. Criticized due process failures and stated that the Supreme Court's actions reflect a rebuke of the admissions process. Urged the Committee of Bar Examiners to ensure decisions are based on accurate and complete information.
13. Kamla Rahman:  
Urged the Committee of Bar Examiners to pass applicants with high essay scores given the compromised administration of the MBE. Cited technical malfunctions, suspected AI-generated content, and stressful testing conditions. Requested remedies including score adjustments similar to those granted for mock exam participation.
14. Ryan Burnham:  
Questioned the criteria used for second reads and score imputations. Expressed concern about the lack of transparency and consistency in determining which applicants qualified for remediation or additional review.
15. Adela Todorean:  
Requested provisional licensure for repeat takers and described technical issues during the MBE portion. Noted being one point short of qualifying for a second read. Argued that repeat takers deserve equal treatment, and that fairness requires score adjustments or a lowered passing score.
16. Ray Hayden:  
Opposed adoption of the NCBE NextGen bar exam, referencing the Supreme Court's prior disapproval. Supported continued administration of California's own exam and suggested a

multiple-choice-only format for more frequent administrations. Argued that statutory reform would be needed for alternative licensure pathways.

17. Lauren G.:

Expressed frustration with the delayed resolution of ADA claims and the pending HUMRRO contract. Called for a 20-point score increase for ADA applicants and criticized the misinformation shared at recent meetings. Urged the Committee of Bar Examiners to act swiftly to address the needs of 80 ADA-affected applicants before the July exam.

18. Janna's iPhone:

Shared personal experience of testing disruptions despite receiving approved accommodations. Described emotional distress and lack of remedy after earning high essay scores but failing the MCQ. Requested expanded eligibility for provisional licensure or a reduction in the required passing score.

19. Kathleen Scalley:

Criticized the methodology used in score setting for the February 2025 exam. Argued that the validation panels were ignored in favor of arbitrary decisions that compromised fairness. Suggested that adjustments were made post-hoc to avoid low pass rates, contrary to expert recommendations.

20. Vincent:

Criticized the exclusion of repeat takers from provisional licensure despite comparable or higher scores than some first-time takers. Asserted that the Committee of Bar Examiners chose restriction over fairness and failed to provide equitable remedies. Proposed that the Committee either submit a new petition urging provisional licensure for all February 2025 examinees or authorize a partial retake of the MBE or PT.

21. MG:

Described the personal and professional consequences of the Supreme Court's provisional licensure decision, including loss of a year and inability to retake the exam. Argued that scoring irregularities and flawed imputation methods disqualified otherwise passing applicants. Urged the Committee of Bar Examiners to reinstate provisional licensures for all or authorize a section-specific retake.

22. Jamila:

Expressed concern that the imputed PT scores did not reflect applicants' actual performance and may have misled the Supreme Court. Urged the Committee of Bar Examiners to recalculate the PT using each applicant's average essay score.

23. Anetta Wasilewska:

Shared her experience preparing extensively for the exam, only to face severe technical and proctoring issues. Described personal and financial hardship caused by the denial of a provisional license and that did not register for the July bar exam because was expecting to be allowed to be provisionally licensed. Requested that the Committee of Bar Examiners offer appeals or extend provisional licensure to those close to passing.

24. Nataly Consuelo Aragon:  
Requested that essay scores be averaged to come up with PT score, rather than the imputed psychometric method. Expressed concern about the lack of transparency in the current imputation process and requested reevaluation.
25. Pedro Crespo:  
Representing a group of repeat applicants, proposed four solutions: (1) extend provisional licensure to all, (2) offer an MBE-only retake, (3) \$75,000 in compensation per applicant, or (4) reduce the passing score to 1000. Stated that any of these options would restore trust and resolve the ongoing crisis.
26. Vikram Sharma:  
Raised concerns about the inconsistency in second read eligibility for applicants scoring between 1350 and 1389.9 before and after PT imputation. Requested that the Committee of Bar Examiners extend second read opportunities to all candidates within that score range.
27. Harolda Bangah:  
Reported being 2.5 points short of passing and argued that PT imputation failed to reflect actual performance, argued for averaging essays instead. Described difficulties caused by lack of copy-paste functionality and technical limitations that disadvantaged typists. Urged the Committee of Bar Examiners to provide a meaningful remedy for affected applicants.
28. Reihaneh Ghazi:  
A cancer survivor and caregiver with a disability described ADA violations during the July 2024 and February 2025 exams. Stated that approved accommodations were ignored, including access to the restroom and ability to turn lights off as needed causing physical and psychological harm. Scored well on the written portion and requested licensure or remedy based on legal precedent and fairness. Asserted loss of a job because not included within provisional licensure program.
29. Dan Molina:  
Speaking on behalf of repeat takers, criticized the legitimacy of the scoring process and the lack of moral leadership. Reiterated four proposals: (1) submit a new petition for provisional licensure for all, (2) offer an MBE-only exam, (3) provide financial compensation of \$75,000 per applicant, or (4) reduce the passing score to 1000. Urged the Committee of Bar Examiners to act immediately.
30. Raja Ahmad:  
Described challenges faced as a handwriting examinee, including inaccurate time calls and last-minute relocation to California. Requested that the Committee of Bar Examiners consider provisional licensure under supervision and take into account the qualifications of licensed attorneys from other jurisdictions.
31. Jose Castaneda:

Attempted to raise concerns related to court filings and alleged misconduct in probate matters. Was informed that his comments were outside the jurisdiction of the Committee of Bar Examiners and was asked to conclude.

32. James Bloom:

Urged the Committee of Bar Examiners to prioritize public service and integrity when selecting examiners. Emphasized the importance of service as a core principle and encouraged the committee to support and appoint individuals committed to serving the public.

**1. Chair's Report**

**1.1 Oral Report**

Vice-Chair Yochelson announced there was no information to report.

**1.2 Adoption of Revisions to Committee of Bar Examiners' 2025 Work Plan**

**RESOLVED**, that the Committee of Bar Examiners adopts the revisions to the 2025 Committee of Bar Examiners Work Plan as reflected in Attachment A and such changes as discussed at the June 20 Committee meeting and directs staff to implement the changes to the work plan.

*Moved by Kramer, seconded by Cao*

*Ayes – (9) Bolton, Cao, Kaplan, Kramer, Lawrence, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse – (0)*

*Absent – (7) Chan, Gongora, Lin, Mesiwala, Montgomery, Peak, Reyna*

*Motion passes.*

**1.3 Adoption of Charter and Membership of Subcommittee on Exam Administration and Subcommittee on Exam Development**

Donna Hershkowitz provided an oral report.

**2. Open Session Minutes**

**2.1 Approval of April 8, 2025, Open Session Minutes**

**RESOLVED**, that the Committee of Bar Examiners approves and adopts the April 8, 2025, Committee of Bar Examiners public meeting minutes.

*Moved by Kramer, seconded by Bolton*

*Ayes – (8) Bolton, Kaplan, Kramer, Lawrence, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (1) Cao*

*Recuse – (0)*  
*Absent – (7) Chan, Gongora, Lin, Mesiwala, Montgomery, Peak, Reyna*

*Minutes adopted.*

## **2.2 Approval of April 18-19, 2025, Open Session Minutes**

**RESOLVED**, that the Committee of Bar Examiners approves and adopts the April 18-19, 2025, Committee of Bar Examiners public meeting minutes.

*Moved by Reyes, seconded by Cao*

*Ayes – (9) Bolton, Cao, Kaplan, Kramer, Lawrence, Reyes, Silva-Guzman, Smith, Yochelson*  
*Noes – (0)*  
*Abstain – (0)*  
*Recuse – (0)*  
*Absent – (7) Chan, Gongora, Lin, Mesiwala, Montgomery, Peak, Reyna*

*Minutes adopted.*

## **2.3 Approval of May 5, 2025, Open Session Minutes**

**RESOLVED**, that the Committee of Bar Examiners approves and adopts the May 5, 2025, Committee of Bar Examiners public meeting minutes.

*Moved by Reyes, seconded by Kramer*

*Ayes – (6) Bolton, Kaplan, Kramer, Reyes, Smith, Yochelson*  
*Noes – (0)*  
*Abstain – (3) Cao, Lawrence, Silva-Guzman*  
*Recuse – (0)*  
*Absent – (7) Chan, Gongora, Lin, Mesiwala, Montgomery, Peak, Reyna*

*Minutes adopted.*

## **2.4 Approval of May 30, 2025, Open Session Minutes**

**RESOLVED**, that the Committee of Bar Examiners approves and adopts the May 30, 2025, Committee of Bar Examiners public meeting minutes.

*Moved by Reyes, seconded by Smith*

*Ayes – (7) Bolton, Kaplan, Kramer, Reyes, Silva-Guzman, Smith, Yochelson*  
*Noes – (0)*  
*Abstain – (2) Cao, Lawrence*  
*Recuse – (0)*  
*Absent – (7) Chan, Gongora, Lin, Mesiwala, Montgomery, Peak, Reyna*

*Minutes adopted.*

### **3. Consent Calendar**

#### **3.1 Action on Revised Moral Character Administrative Review Procedures Pursuant to Rule 4.46.1 of the Rules of the State Bar**

**RESOLVED**, that the Committee of Bar Examiners approves the proposed revisions to the Procedures Regarding Requests for Administrative Review by the Committee of Bar Examiners of Adverse Determinations of Moral Character set forth in Attachments A–B, effective June 23, 2025.

#### **3.2 Report on Administrative Updates Regarding Law Schools**

**RESOLVED**, that the Committee of Bar Examiners receive and file the Report of Administrative Updates Regarding Law Schools.

#### **3.3 Action on Major Change – Voluntary Termination of Registration May 31, 2025 – Western Sierra Law School**

**RESOLVED**, that the Committee of Bar Examiners accept Western Sierra Law School’s voluntary request to terminate its registration as an unaccredited fixed-facility law school, including degree-granting authority, effective May 31, 2025; and it is

**FURTHER RESOLVED**, that the Committee accept the law school’s designation of custodian of records as Registrar Erika Schoonover, who can be reached by email at [wslawschool@gmail.com](mailto:wslawschool@gmail.com), or by phone at 561-855-1820; and it is

**FURTHER RESOLVED**, that staff be directed to promptly respond to questions from students and applicants who attended Western Sierra Law School as they continue to pursue licensure.

#### **3.4 Recommendation to Board of Trustees to Extend Application Fee Waiver for Withdrawals Up to Date of July 2025 Bar Exam**

**RESOLVED**, that the Committee of Bar Examiners recommend that the Board of Trustees authorize applicants who were unsuccessful on or withdrew from the February 2025 bar exam, and who are registered for the July 2025 bar exam, to retain eligibility to use the application fee waiver for the first exam they sit for in 2026, provided they withdraw before the first day of the July 2025 bar exam.

#### **3.5 Action on the Chapter 6 Conduct Violation Decisional Matrix**

**RESOLVED**, that the Committee of Bar Examiners approve the proposed changes to the Chapter 6 Conduct Violation Decisional Matrix and Guidelines as reflected in Attachments A and B.

**RESOLVED**, that the Committee of Bar Examiners approve the consent calendar.

*Consent calendar moved by Cao, seconded by Lawrence*

*Ayes – (9) Bolton, Cao, Kaplan, Kramer, Lawrence, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse – (0)*

*Absent – (7) Chan, Gongora, Lin, Mesiwala, Montgomery, Peak, Reyna*

*Motion passes.*

#### **4. Business**

##### **4.1 Discussion and Action on Mode and Method of Delivery for, and Content of, California Bar Examinations After July 2025, Including Consideration of Recommendations Related to the Supreme Court Order to Develop a California-Specific Bar Examination**

**RESOLVED**, tables this discussion until the joint meeting with the Board of Trustees and the Committee of Bar Examiners.

*Moved by Cao, seconded by Lawrence*

*Ayes – (11) Bolton, Cao, Gongora, Kaplan, Kramer, Lawrence, Lin, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse – (0)*

*Absent – (5) Chan, Mesiwala, Montgomery, Peak, Reyna*

*Motion passes.*

##### **4.2 Adoption of Criteria for Selection of Subject Matter Experts for Bar Examination Multiple-Choice Question Content Validation Process**

Items 4.2 and 4.3 were considered and voted on jointly.

**RESOLVED**, that the Committee of Bar Examiners approves the policy for recruitment and selection of subject matter experts to review multiple-choice questions for the California Bar Examination, as set forth in Attachment A.

*Moved by Cao, seconded by Reyes*

*Ayes – (10) Bolton, Cao, Gongora, Kaplan, Kramer, Lin, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse – (0)*  
*Absent – (6) Chan, Lawrence, Mesiwala, Montgomery, Peak, Reyna*

*Motion passes.*

#### **4.3 Adoption of Criteria for Selection of Content Validation and Standard Validation Panelists**

Items 4.2 and 4.3 were considered and voted on jointly.

**RESOLVED**, that the Committee of Bar Examiners approves the policy for recruitment and selection of content validation panelists to review multiple-choice questions and standard validation panelists, as set forth in Attachment A; and it is

**FURTHER RESOLVED**, that the Committee of Bar Examiners approve using the Exam Development and Grading team for the content validation of essay questions and the Performance Test Review team for the content validation of Performance Test questions.

*Moved by Cao, seconded by Reyes*

*Ayes – (10) Bolton, Cao, Gongora, Kaplan, Kramer, Lin, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse – (0)*

*Absent – (6) Chan, Lawrence, Mesiwala, Montgomery, Peak, Reyna*

*Motion passes.*

#### **4.4 Action on Major Change – Teach Classes More than Fifty-Five Miles from Campus – The Colleges of Law**

**RESOLVED**, that the Committee of Bar Examiners grants The Colleges of Law’s request to offer the in-person portion of its Hybrid JD Program more than 55 miles from its campus, with the location to be at the Pacific Oaks College, Pasadena, California, beginning with the fall 2025 term; and it is

**FURTHER RESOLVED**, that The Colleges of Law is directed to ensure that its communication to prospective and current students makes clear that the law school does not have a campus location in Pasadena, but rather rents classroom space in Pasadena; and it is

**FURTHER RESOLVED**, that The Colleges of Law is directed to provide a summary of the implementation of the plan to use the rental space and its impact on the Hybrid JD program, as well as copies of the communications about the Hybrid JD Program provided to prospective students, as part of its 2025 Annual Report.

*Moved by Kramer, seconded by Reyes*

*Ayes – (11) Bolton, Cao, Gongora, Kaplan, Kramer, Lawrence, Lin, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse – (0)*

*Absent – (5) Chan, Mesiwala, Montgomery, Peak, Reyna*

*Motion passes.*

#### **4.5 Action on Inspection Report – American Institute of Law**

**RESOLVED**, that the Committee of Bar Examiners receives and files the inspection report of American Institute of Law conducted on September 15 and October 26, 2024, and adopts its recommendations in full.

**FURTHER RESOLVED**, that the CBE directs staff to issue a warning letter pursuant to Rule 4.244 (G)(4) to the law school to take immediate action to correct the deficiencies enumerated in the inspection report and to provide notice to the State Bar of the correction within 120 days after the State Bar issues the warning letter.

**FURTHER RESOLVED**, that the law school be provided notice pursuant to Rule 4.263 that the Committee believes that the inspection report demonstrates that the law school is likely to be out of compliance with the Unaccredited Law School Rules and, therefore, the Committee recommends and intends to pursue probation or termination of registration unless the law school can provide evidence to demonstrate compliance as part of its timely response to the CBE's warning.

*Moved by Kramer, seconded by Reyes*

*Ayes – (11) Bolton, Cao, Gongora, Kaplan, Kramer, Lawrence, Lin, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse – (0)*

*Absent – (5) Chan, Mesiwala, Montgomery, Peak, Reyna*

*Motion passes.*

#### **4.6 Discussion and Possible Action on Preliminary Review of Supreme Court Proposed Amendments to Rules of Court Related to Responsibilities of CBE**

Donna Hershkowitz provided a presentation and oral report.

#### **4.7 Action on Inspection Report – California Desert Trial Academy**

**RESOLVED**, that the Committee of Bar Examiners receives and adopts the inspection report of California Desert Trial Academy including all its recommendations as set forth in

Attachment A and receives and files the law school's response as set forth in Attachments B; and it is

**FURTHER RESOLVED**, that its registration as an unaccredited, fixed-facility law school be renewed, with its next inspection set for spring 2029; and it is

**FURTHER RESOLVED**, that the law school is directed to file an addendum with its to its 2025 Annual Compliance Report and reports thereafter until it is inspected again documenting compliance, or continued compliance, as to each recommendation. If a recommendation is not complete, a timeline and plan for achieving compliance is to be included.

*Moved by Reyes, seconded by Cao*

*Ayes – (11) Bolton, Cao, Gongora, Kaplan, Kramer, Lawrence, Lin, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse – (0)*

*Absent – (5) Chan, Mesiwala, Montgomery, Peak, Reyna*

*Motion passes.*

#### **4.8 Action on Proposed Amendments to Registered Military Spouse Rules to Comply with the Servicemembers Civil Relief Act (Cal. Rules of Court, rule 9.41.1, State Bar Rules 3.350 – 3.356)**

**RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees approve the proposed amendments to California Rules of Court, rule 9.41.1 (see Attachment A and Attachment B) and submit the amendments to the Supreme Court for adoption, subject to staff revising the proposed amendments to: (1) for registered service member spouse attorneys, add death of service members to termination of marriage/civil union/registered domestic partnership as a ground that will allow continued program participation for one year before termination, and (2) for registered service member spouse attorneys, provide a grace period of 90 days after service member's transfer outside of California or, in the case of transfer with no dependents authorize, after service member assignment to location with dependents authorized; (3) for registered service member spouse attorneys, ensure as part of the background check that the spouse resides in California; (4) remove registered service member attorneys from exception for transfer to unaccompanied / remote assignment with no dependents authorized; and it is

**FURTHER RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees repeal Rules of the State Bar of California, rules 3.350 – 3.356, upon the effective date of the proposed amended California Rules of Court, rule 9.41.1, should it be adopted by the Supreme Court.

*Moved by Kramer, seconded by Cao*

*Ayes – (11) Bolton, Cao, Gongora, Kaplan, Kramer, Lawrence, Lin, Reyes, Silva-Guzman, Smith, Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse – (0)*

*Absent – (5) Chan, Mesiwala, Montgomery, Peak, Reyna*

*Motion passes.*

## **5. Staff Report**

### **5.1 Oral Report**

Oral report was deferred to next meeting.

## **CLOSED SESSION**

### **1. Closed Session Minutes**

#### **1.1. Approval of April 18-19, 2025, Closed Session Minutes**

*\*Closed pursuant Business and Professions Code § 6026.7(c)(3)-(4) and Government Code §§ 11126(c)(1) and 11126(e)(1)]*

#### **1.2. Approval of May 5, 2025, Closed Session Minutes**

*\*Closed pursuant Business and Professions Code § 6026.7(c)(3)-(4) and Government Code §§ 11126(c)(1) and 11126(e)(1)]*

#### **1.3. Approval of May 30, 2025, Closed Session Minutes**

*\*Closed pursuant Business and Professions Code § 6026.7(c)(3)-(4) and Government Code §§ 11126(c)(1) and 11126(e)(1)]*

### **2. Closed Session Consent Calendar**

#### **2.1 Report of Staff Moral Character Determinations**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

#### **2.2 Report on Status of Pending Moral Character State Bar Court Cases**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

### **3. Closed Business**

#### **3.1 Conference with Legal Counsel– Existing Litigation**

**Brewer v. State Bar, et. al, E.D. Cal. Case No. 2:23-cv-00860-TLN-JDP; 9th Circuit Case No. 24-2151**

*\*Closed pursuant to Government Code § 11126(e)(1)*

**3.6 Conference with Legal Counsel– Existing Litigation**

**Flinders v. State Bar of California, D. Mass., Case No. 1:24-cv-12919-JEK**

*\*Closed pursuant to Government Code § 11126(e)(1)*

**3.3 Conference with Legal Counsel– Existing Litigation**

**Hill v. Peoples College of Law et al., C.D. Cal., Case No. 2:23CV1298**

*\*Closed pursuant to Government Code § 11126(e)(1)*

**3.4 Conference with Legal Counsel– Existing Litigation**

**Kohn v. State Bar, et al., N.D. Cal., Case No. 4:20-cv-04827-PJH; Ninth Cir. Case No. 20-17316; U.S.S.C. Case No. 24-6921**

*\*Closed pursuant to Government Code § 11126(e)(1)*

**3.5 Conference with Legal Counsel– Existing Litigation**

**Santillan v. The California Bar Examiners, E.D. Cal. Case No. 2:24-cv-0571-DJC-JDP-PL; Ninth Cir. Case No. 24-6342**

*\*Closed pursuant to Government Code § 11126(e)(1)*

**3.6 Conference with Legal Counsel– Existing Litigation**

**State Bar of California v. ProctorU, Inc. d/b/a Meazure Learning, Los Angeles Superior Court, Case No. 25STCV13089**

*\*Closed pursuant to Government Code § 11126(e)(2)(A)*

**3.7 Discussion and Action Discussion and Possible Action on Procedures for Conducting of Content and Standard Validation Processes to Ensure Exam Security and Exam Integrity**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)*

**3.8 Action on Operation & Management Appeals**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(4) and Government Code § 11126(c)(2)*

**3.9 Action on Testing Accommodation Appeals**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)*

**3.10 Action on Moral Character Cases Pending Administrative Review**

*\*Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)*

**ADJOURNMENT**

# EXHIBIT 9



The State Bar of California

# Development of Recommendations for Future Bar Examinations

Erika Doherty, Interim Executive Director

Donna Herskowitz, Chief of Admissions/Legislative Director

Joint Meeting of the Board and CBE, August 14, 2025

# Goals of Today's Presentation



Understanding the timeline for decision making



Obtain preliminary feedback on the options for the future California Bar Exam



Obtain feedback on what information is needed in addition to the cost-benefit analysis to make final recommendation



## Background: What Brought Us Here



Blue Ribbon Commission recommends CA develop its own bar exam  
Supreme Court adopts BRC recommendation (with modifications)



State Bar contracts with Kaplan to develop MCQs to make current exam more accessible and affordable in the short run; a bridge to the new bar exam (development anticipated at 5 years)



February 2025 bar exam administration – raises concerns about both administration and content

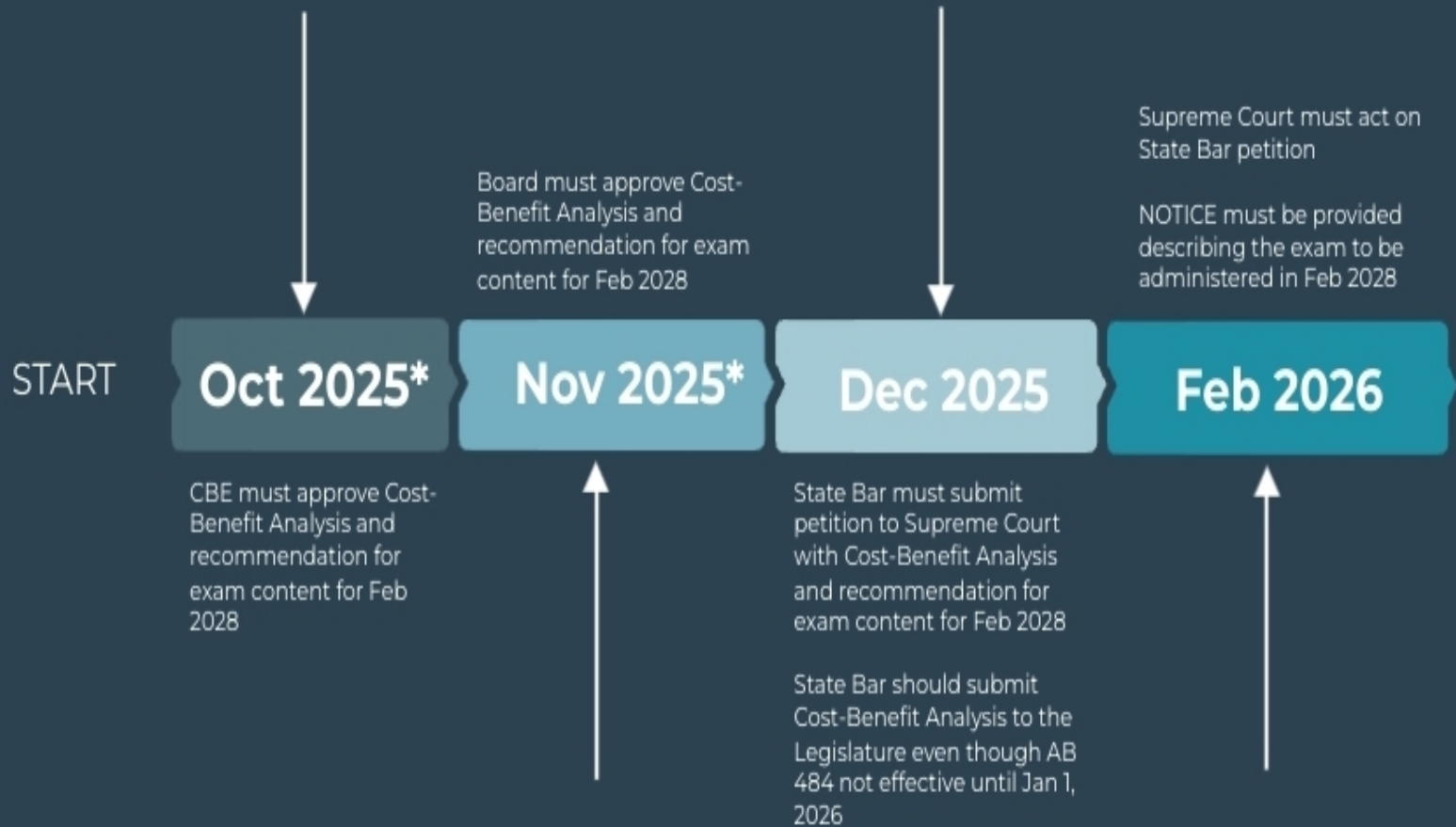


SB 253 – requiring 2-year notice to return to Kaplan or any other vendor for MCQs that is not NCBE



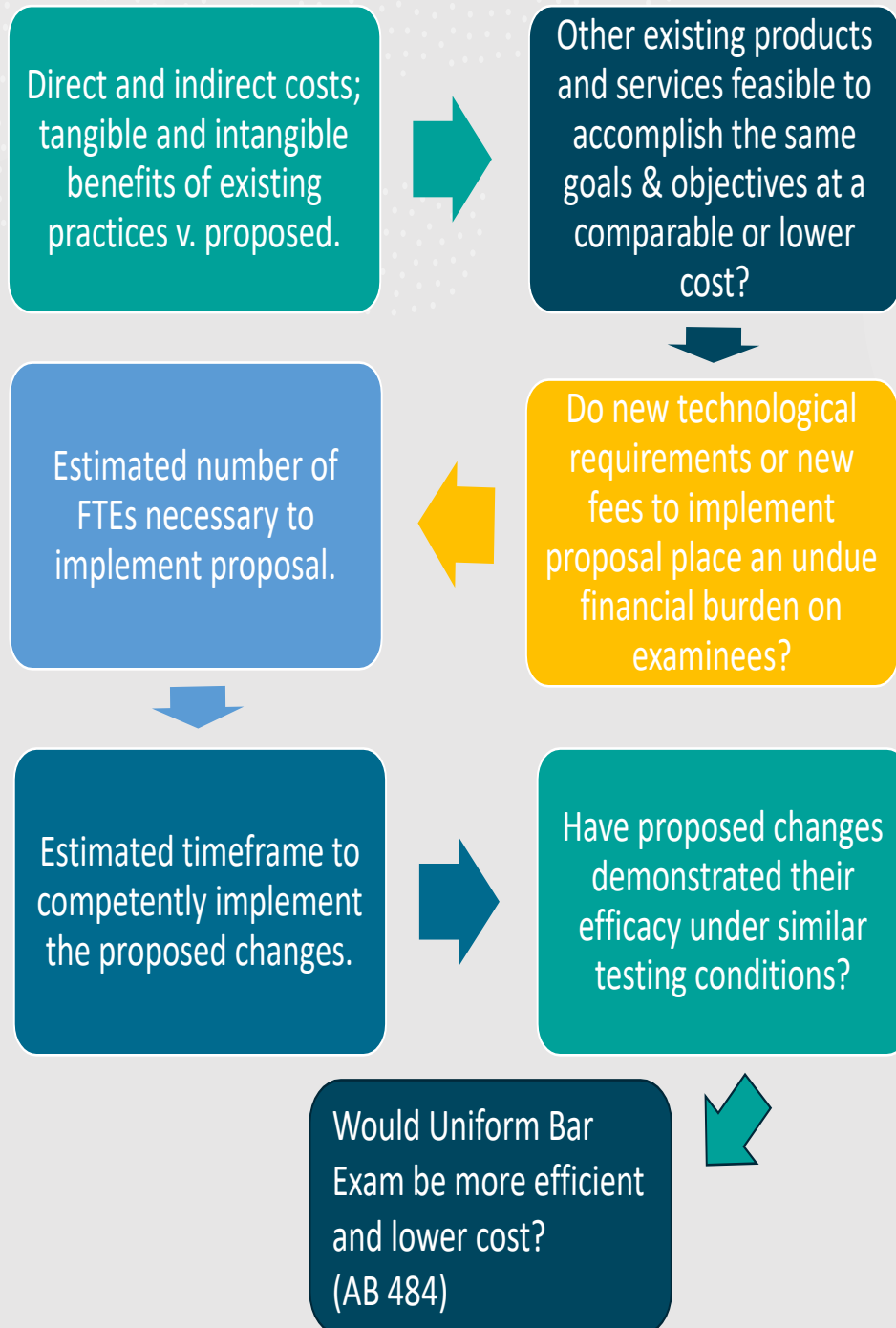
# Assumptions and Considerations

Assumptions	Considerations
SB 253 is enacted requiring a 2-year notice of change to development vendor	Existing 5-year contract with Kaplan supports development of new MCQs
Title 9 revisions are enacted triggering cost-benefit analysis requirements	Kaplan MCQs are expected to be ready well before February 2028
AB 484 is enacted, requiring an evaluation of whether the NextGen UBE reduces costs and increases efficiency	<b>February 2028</b> is the final scheduled administration of MBE
	Any significant changes to bar exam training or preparation must be approved by the Supreme Court
	A new exam must be fully ready for implementation by <b>July 2028</b>



\* Based on the current CBE and Board regularly scheduled meetings.

# Required Elements of Cost-Benefit Analysis



# Options for Future California Bar Exam: Effective February 2028 or July 2028



## Option 1

As a bridge to new bar exam:

- Return to Kaplan developed MCQs
- Continue with CA developed essays and Performance Test



## Option 2

As the new bar exam:

- Adopt the NextGen UBE
- Consider adding ½ day CA specific content



## Option 3

As the new bar exam:

- 100 MCQs
- 3 Performance Tests
- Or other streamlined structure



# Pros and Cons: Option 1 Kaplan as Bridge to New Exam

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.	

# Pros and Cons: Option 2 NextGen UBE

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>Support from deans of 11 ABA-accredited law schools in CA, noting: it is the best pathway for complying with the Supreme Court’s October 10, 2024, order.</p> <ul style="list-style-type: none"> <li>• Subject matter coverage closely aligns with the subject matters ordered by the Court.</li> <li>• Skills and abilities tested closely aligns with the skills and abilities ordered by the Court.</li> <li>• Can use ½ day for testing CA specific subjects and skills.</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.

# Pros and Cons: Option 3 New Exam Launch Feb 2028 or July 2028

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 with Board Approved Guiding Principles

Exam must be accessible, affordable, fair, and equitable for test takers

Exam must appropriately assess for minimum competence to practice law in California

Consider developing an exam that can be delivered on a more frequent basis than 2 times per year

Doing it right is more important than doing it fast or doing it cheap

Exam must be reliable and predictable

Minimizing risk. If changes are made:

- Phase rollout, move with caution
- Use proven technology, with appropriate testing and minimization of risk

# Alignment with Board Approved Guiding Principles

Lessons from Feb 2025 bar exam must be learned before moving to a remote, online exam

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 BOT, CBE, and the Supreme Court
- Engage with legislative partners

We can't rely on "business as usual" to drive the approach

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## CBE Adoption of Guiding Principles

Adopt same guiding principles?

Add new guiding principles?

Remove some guiding principles?



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## Discussion and Refinement of Options

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Discussion of Data  
Needed Beyond Cost-  
Benefit Analysis to  
Develop a  
Recommendation



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM 2.3 AUGUST 2025 BOARD OF TRUSTEES**

**DATE:** August 14, 2025

**TO:** Members, Board of Trustees  
Members, Committee of Bar Examiners

**FROM:** Erika Doherty, Interim Executive Director  
Donna S. Hershkowitz, Chief of Admissions / Legislative Director

**SUBJECT:** Discussion and Action, If Appropriate, on Development of Recommendations for Future California Bar Exams Following the July 2025 Administration

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### **EXECUTIVE SUMMARY**

On [March 4, 2025](#), the California Supreme Court directed that for the July 2025 bar exam, the State Bar plan for a return to in person administration, and on [May 2, 2025](#), directed, for July 2025, use of the Multistate Bar Exam (MBE) produced by the National Conference of Bar Examiners (NCBE) for the multiple-choice section of the exam. [SB 253 \(Umberg\)](#), if enacted in its current form, would require the State Bar to give two-years' notice before transitioning from the MBE for multiple-choice questions (MCQs) to any other vendor, including Kaplan Exam Services which developed questions for the February 2025 exam and with which the State Bar has a multi-year contract for the development of both MCQs and the written portion of the exam. SB 253 would therefore mandate the use of the MBE through and including the July 2027 bar exam administration.

Since July 2027 is the last time the MBE will be offered as a stand-alone product, and it will not be available for the February 2028 bar exam administration, the State Bar will have to change the exam effective February 2028. As a result, the State Bar *must* provide notice by February 2026 of the format of the exam to be administered in February 2028. To be positioned to provide such notice, the Committee of Bar Examiners (CBE) must develop and act on the cost-benefit analysis required by the likely revisions to rule 9.6(b) of the California Rules of Court, discussed in [item 2.2](#) on today's agenda,<sup>1</sup> by October 2025 so that the Board of Trustees can review the analysis and CBE's recommendations in November 2025 and the cost-benefit

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<sup>1</sup> As discussed below, this would also include the analysis required by AB 484 (Dixon), if enacted.

analysis and recommendations can be delivered to the Supreme Court with sufficient time for consideration.<sup>3</sup>

This staff report identifies for CBE and the Board three possible options for consideration of the format and structure of the February 2028 bar exam, options that could be included in the cost-benefit analysis. Pros and cons of each option are highlighted (Attachment A), along with an analysis of the extent to which each option aligns with the guiding principles adopted by the Board at its [May 22, 2025](#), meeting for the future development and administration of a bar exam (Attachment B). CBE discussed those guiding principles at its [June 20, 2025](#), meeting, but decided to defer action on adopting such principles until this joint meeting. This staff report recommends that CBE consider adopting the same guiding principles to help shape the decision on future for the bar exam.

CBE and the Board are not being asked to make a recommendation at this joint meeting as to which option to select for the format and structure of the exam, but rather will have the opportunity to narrow the options, identify other options, and inform staff what information will be needed to make this recommendation in their October and November meetings, respectively.

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## **RECOMMENDED ACTION**

Staff recommend that CBE adopt the guiding principles for the future bar exam previously adopted by the Board at its May 22, 2025, meeting as described in the discussion section of this report.

## **DISCUSSION**

### **BACKGROUND**

Before turning to the discussion of different options for a future bar exam, this staff report provides background on the current structure and format of the bar exam, the contract with Kaplan Exam Services and the impetus for it, the contents of the February and July 2025 bar exams, the NextGen UBE, and the cost-benefit analysis required by the proposed revisions to Title 9 of the California Rules of Court.

### **Bar Exam Administrations Prior to February 2025**

The California Bar Exam is a two-day high stakes exam, passage of which is required for admission to the State Bar.<sup>4</sup> Attorneys licensed in other U.S. jurisdictions for more than four years and in good standing may sit for the one-day Attorney's Exam.<sup>5</sup> Examinees approved for

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<sup>3</sup> These timelines are based on the regular meeting schedules of the CBE and the Board. If necessary or desired, either could hold a meeting specially set for this purpose on a different timeline.

<sup>4</sup> An exception was made for participants in the Pathway Provisional Licensure Program. This program was open to individuals who scored between 1390 and 1439 on a bar exam administered between July 2015 and February 2020, the five-year period prior to the reduction in the pass line from 1440 to 1390. Participants in this program, after having 300 hours of supervised practice and a positive evaluation, and meeting all other requirements for admission, could be admitted without having to retake the bar exam.

<sup>5</sup> Prior to July 2017, the general bar exam was three days and the attorneys' exam was two days.

extended time as a testing accommodation under the Americans with Disabilities Act may have a longer exam schedule. California bar exams consist of two sections:

- The written section – consisting of five, one-hour essay questions and one 90-minute performance test (PT).<sup>9</sup> The essay questions are initially developed by law school faculty, and are shaped and revised by the State Bar’s Exam Development and Grading Team. The performance tests are developed by the State Bar’s Performance Test Drafting Team.
- The multiple-choice section – consisting of 200 multiple choice questions developed by the NCBE.

When administering NCBE’s MBE, California is only allowed to administer the exam twice a year, and in-person at state-run test sites, meaning convention centers, hotels, and similar venues (not remotely, and not at smaller third-party operated test centers, such as Prometric or Pearson Vue which may be closer to examinees’ homes).<sup>10</sup> Testing remotely or closer to home can reduce anxiety for examinees and eliminate significant costs that can be associated with having to travel to more distant test sites. The cost to the State Bar is also significantly less, roughly estimated at \$4 million less annually for administration remotely or at third-party operated test centers.

### **Contract with Kaplan Exam Services**

On August 9, 2024, the State Bar executed a contract with Kaplan Exam Services for the development of bar exam test questions with the goal of creating a more accessible and more affordable exam for examinees. The State Bar was motivated by the results of post-exam surveys in which a majority of examinees have indicated a preference for in testing remotely<sup>11</sup> or at smaller test centers located closer to their homes. Even in the survey conducted in the immediate aftermath of the February 2025 Bar Exam, in which over 80 percent of respondents reported encountering at least one issue related to technology, administration, or proctoring and 86 percent reported that technology issues significantly or moderately interfered with their ability to perform their best on the exam, nearly 50 percent indicated they would still prefer to take future exams remotely.

The contract with Kaplan Exam Services contemplates payment of \$8,250,000 over five years. The State Bar may terminate the agreement and avoid the payment for the fourth and fifth contract years with sufficient notice and payment of an early termination fee. If the State Bar

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<sup>9</sup> When the exam was three days, the written section consisted of six one-hour essays and two three-hour PTs.

<sup>10</sup> In theory, the State Bar could operate the exam at smaller test sites across the state, but each site would need to be staffed by qualified State Bar staff; proctors would be needed at all sites; materials would need to be delivered to all sites; etc. The cost, resource needs, and logistics of administering at greater than the 16 sites currently operated for July administrations make it nearly impossible to do so.

<sup>11</sup> Following the February 2024 exam, 64 percent of survey respondents reported they would prefer to take the exam remotely; following the July 2024 exam that number was 51 percent. After the November 2024 special session when the new multiple-choice questions were pre-tested on the Meazure Learning platform, 62 percent reported they would prefer a remote exam.

were to exercise this option, the costs of three years of annual payments plus the early termination fee would be \$6,112,500.

### **February 2025 Bar Exam Administration**

CBE and the Board have received many written reports and oral presentations, and had many discussions about significant issues with the February 2025 bar exam. These issues included not just technological and proctor issues with the remote and in-person administration of the exam by Meazure Learning, dba, Proctor U, but also with the perceived quality of the multiple-choice questions administered. For this exam, the State Bar replaced the 200 question MBE with 200 questions, which came from three sources: Kaplan Exam Services (117), unused questions from the bank for the First Year Law Students' Exam (54), and questions developed by ACS Ventures using artificial intelligence (29). All questions went through content validation and were revised following the input of those content validation panels either by Kaplan or by the State Bar.

The State Bar believed that the change in vendor did not impact the preparation or knowledge required for passage of the exam. The essay and PT portion of the test were unchanged. The issues raised about the perceived quality of the MCQ questions are not re-examined in this staff report, but mentioned as the key reason why the CBE and the Board are having this discussion today. Subsequent to the February exam, the State Bar made the following changes related to the MCQs developed by Kaplan:

- Revised the content map, eliminating 19 topics or subtopics. Because of the switch back to the MBE for the July 2025 Bar Exam, the revised content map has not been published.
- Evaluated the faculty guide and student guide, replacing some questions and responses and revising others. The contents will be circulated to subject matter experts for review before publishing.
- Selected 25 additional questions to be released for the student study guide. The analysis of the question and the correct and incorrect answers will be circulated for subject matter experts for review before publishing.
- Added to the content validation process a review by subject matter experts.
- Created a policy for selection, recruitment, and eligibility for content validation panelists, standard validation panelists, and subject matter experts, and launched an open recruitment for these roles. The Chair of CBE, consistent with the policy, will be involved in the selection of candidates.

### **July 2025 Bar Exam Administration**

For July 2025, at the direction of the Supreme Court, the State Bar returned to an [in-person administration](#) of the bar exam, and was [ordered](#) to return to the MBE. As described above, the in-person administration of the exam at large test centers is the most expensive delivery option for bar exams that the State Bar has explored. In addition to the costs attributable to the venue type, the cost of the MBE is \$72 per examinee, with a higher cost for special exams (such as large font, braille, etc.).

### **Required Notice to Transition Away from the MBE**

[SB 253 \(Umberg\)](#), the annual legislation authorizing the State Bar to assess attorney licensing fees, was amended June 25, 2025, to include restrictions on making changes to the bar exam without notice. Existing Business and Professions Code section 6046.6 prohibits the alteration of the bar exam in a manner that requires substantial modification of the training or preparation required for passage unless two-years' notice of the change is provided. SB 253, in its current version, amends that language to define a substantial modification as changing the vendor or creator of the multiple-choice questions from the NCBE. The bill would also require a four-month notice before changing the functionality of the testing software or materials or changing the medium in which testing materials are provided.

This language, if enacted, would require the State Bar to continue using the NCBE's MBE for the next two years, that is, through and including the July 2027 administration. Proposed rule 9.6(b), contained in the Title 9 rule revisions recommended by the Supreme Court and discussed in [item 2.2](#) on today's agenda, would require the Supreme court to approve any changes to the bar that require substantial modification to the training or preparation for the exam and presumably to review, as part of that approval, the cost-benefit analysis submitted pursuant to rule 9.6(b).<sup>15</sup>

### **NextGen Uniform Bar Exam (UBE)**

For several years, the NCBE<sup>16</sup> has been developing a replacement for the MBE and UBE,<sup>17</sup> referred to as the NextGen UBE. According to the NCBE's website: "Set to debut in July 2026, the NextGen bar exam will test a broad range of foundational lawyering skills, utilizing a focused set of clearly identified fundamental legal concepts and principles needed in today's practice of law. Designed to balance the skills and knowledge needed in litigation and transactional legal practice, the exam will reflect many of the key changes that law schools are making today, building on the successes of clinical legal education programs, alternative dispute resolution programs, and legal writing and analysis programs." From July 2026 through February 2028, the NextGen UBE will test the following:

- Foundational concepts and principles: business associations and relationships, civil procedure, constitutional law, contract law, criminal law and constitutional protections of accused persons, evidence, real property, torts.
- Foundational lawyering skills: legal research, legal writing, issue spotting and analysis, investigation and evaluation, client counseling and advising, negotiation and dispute resolution, client relationship and management.

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<sup>15</sup> Agenda item 2.2 recommends clarifying that this cost-benefit analysis must be submitted to both the Board and the Supreme Court. See discussion, *infra*, about the analysis also required by AB 484 (Dixon).

<sup>16</sup> According to its website, "NCBE is a not-for-profit corporation that develops licensing tests for bar admission and provides character and fitness investigation services. NCBE also provides testing, research, and educational services to jurisdictions; provides services to bar applicants on behalf of jurisdictions; and acts as a national clearinghouse for information about the bar examination and bar admission."

<sup>17</sup> In addition to the MBE, the NCBE produces the Multistate Essay Examination (MEE), and the Multistate Performance Test (MPT). The UBE is the combination of all three of those products. When administered, in addition to the 200-question MBE, the UBE includes the MEE's six, 30-minute essay questions, and the MPT's two, 90-minute PTs, although jurisdictions elect to administer either one or both of MPT items. The UBE has been adopted by 41 jurisdictions. California is one of 15 jurisdictions that have not adopted the UBE.

“Other areas of legal knowledge will also appear on the NextGen UBE to provide the context for testing one or more foundational lawyering skills, but examinees are not expected or required to develop a base of knowledge in those areas. For those questions, examinees will be provided with the necessary legal resources (e.g. statutes, regulations, and case law) to demonstrate the skills being tested. From July 2026 through February 2028, family law and trusts and estates will appear in these skills-focused questions on every exam.”<sup>21</sup> Family law will be added to the foundational concepts and principles being tested effective with the July 2028 administration.

To date, 45 jurisdictions have announced their adoption of the NextGen UBE:

- 10 will transition to NextGen July 2026;
- 13 will transition July 2027;
- 3 will transition February 2028;
- 18 will transition July 2028; and
- 1 state has not indicated its intended transition date.

The NextGen UBE will be administered over one and one-half days, with two three-hour sessions on day one and one three-hour session on day two. The exam will be taken on examinees’ own laptops at in-person, proctored testing locations similar to those used for the July 2025 and pre-February 2025 Bar Exam administrations (i.e., large testing sites).

According to the [NextGen UBE Blueprint](#) published June 2, 2025, “[t]he NextGen Uniform Bar Examination is a summative exam,<sup>22</sup> administered following completion of the examinee’s legal education and prior to licensure as a practicing attorney. It is designed to assess the examinee’s overall competency in the legal knowledge and skills expected of a newly licensed lawyer (defined as a lawyer within the first three years of practice).”

Each NextGen exam section contains a combination of standalone multiple-choice questions, integrated question sets, and performance tasks. In each three-hour section, the questions will be arranged in the following order:

- 40 standalone MCQs (estimated time required: 72 minutes);
- 2 integrated question sets (estimated time required: 48 minutes);<sup>23</sup>
- 1 performance task (estimated time required: 60 minutes)

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<sup>21</sup> See <https://www.ncbex.org/exams/nextgen/content-scope>, last visited August 7, 2025.

<sup>22</sup> A summative exam is administered at the end of a learning period and is designed to evaluate a student’s overall understanding and mastery of the material. In comparison, a formative exam, is an assessment used to monitor student learning during the instructional process. Formative assessments are less likely to be graded and are used to guide instruction and improve student learning.

<sup>23</sup> Integrated question sets are defined as question sets based on a common fact scenario, and may take one of two forms, the first requiring medium length questions and responses, the second containing multiple-choice and short-answer questions. Integrated question sets are designed to require examinees to demonstrate their ability to use foundational skills in realistic situations, completing tasks that a beginning lawyer should be able to accomplish. They may feature areas of doctrinal law, and may include legal resources (e.g., excerpts of statutes or judicial opinions) and/or supplemental documents (e.g., a police report or excerpt from a deposition) for the examinees’ use.

### **Blue Ribbon Commission on the Future of the Bar Exam**

On October 26, 2020, the California Supreme Court adopted a charter for the Joint Supreme Court/State Bar Blue Ribbon Commission on the Future of the California Bar Exam (BRC). The commission was charged with developing recommendations around two key issue areas: (1) whether California should develop its own bar examination, and if so, what should be tested on that exam; and (2) whether California should pursue alternatives to a traditional bar exam to determine minimum competence. The commission was tasked 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. (See [Final Report of the Blue Ribbon Commission](#), presented to the Board of Trustees May 18, 2023.)

The BRC began meeting in July 2021 and presented its final report to the Board nearly two years later, in May 2023. During that two-year time span, the commission analyzed criticisms of current bar exams, the NCBE's plans for its NextGen UBE (although planning for NextGen was still in its early stages at that time), and explored advantages and disadvantages of developing a California exam or adopting the NextGen UBE. After having considered a wealth of information, and hearing from numerous experts, the commission overwhelmingly recommended the development of a California exam to assess minimum competence. The commission recommended nine subject matter areas to be tested, and seven skills and abilities to be tested.

On [October 10, 2024](#), the Supreme Court adopted this recommendation in part and modified the recommendation in part. The Court added three more subject matters to the list of topics to be tested and adopted the seven skills and abilities identified by the BRC. The Court also adopted the BRC's recommendation that "in developing the exam, there should be a significantly increased focus on assessment of skills along with the application of knowledge and performance of associated skills for entry-level practice, deemphasizing the need for memorization of doctrinal law." The BRC adopted guiding principles that any new exam be fair, equitable, and minimizes disparate performance impacts based on race, gender, ethnicity, disability, and other immutable characteristics, and specified that fairness and equity include cost and the mode and method of how the exam is delivered or made available. These guiding principles were adopted by the Supreme Court.

### **OPTIONS FOR FUTURE CALIFORNIA BAR EXAMS**

Because of the challenges faced by February 2025 examinees, including perceived issues with the MCQs the State Bar tested, the return to the MBE and in person testing for July 2025, and the new notice requirements in SB 253, CBE and the Board are being confronted with the question, once again, of the best option for future bar examinations in California. Staff have identified three options for consideration:

- Option 1: Effective February 2028, transition from MBE back to Kaplan developed MCQs; continue with California essays and PT. This would be implemented as a bridge to the new bar exam ordered by the Supreme Court upon recommendation of the BRC, which has been estimated as a five-year development effort.
- Option 2: Effective February 2028, transition from the MBE and California essays and PT to the NextGen UBE. The State Bar has the option to add a half day of California specific questions.

- Option 3: Effective February 2028, transition to a new bar exam – not as a bridge to a future development effort. One possible structure for new, streamlined exam would have 100 MCQs, and 3 performance tests. This is similar to the approach adopted by Nevada.<sup>27</sup> CBE and the Board may suggest different structures.

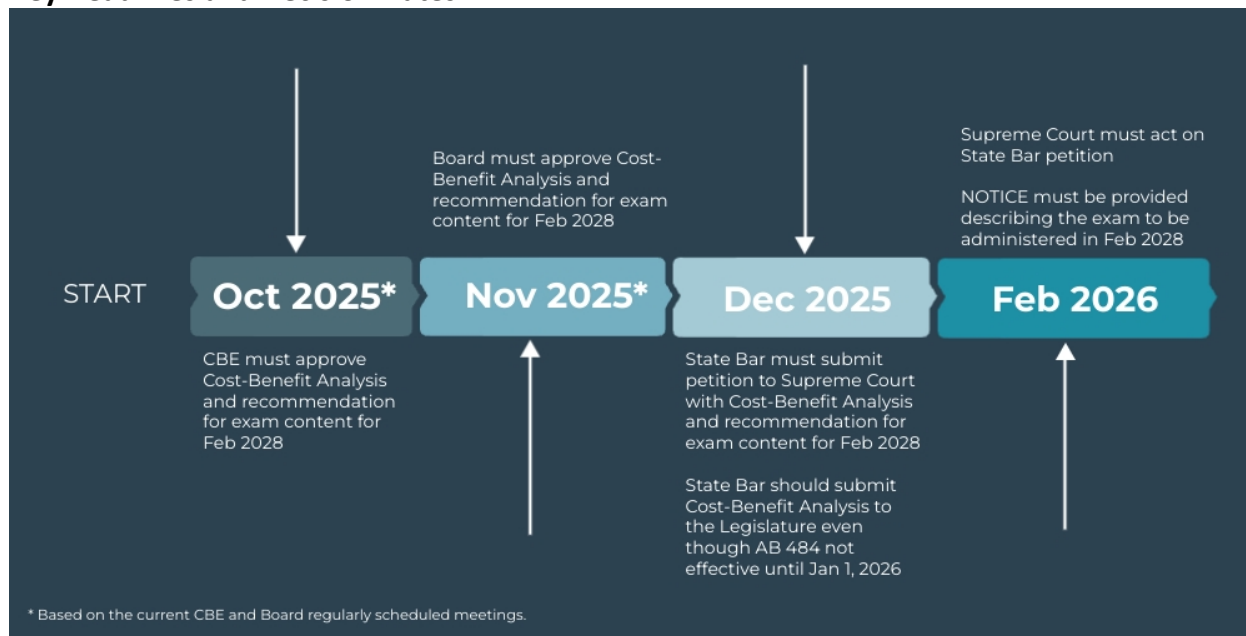
### Assumption and Considerations Underpinning All Options

These options all rely on the same set of assumptions and considerations, as well as the same key decision dates.



<sup>27</sup> Nevada also includes a short, supervised practice component, and is contemplating offering the MCQ section (1) prior to the completion of law school; and (2) as many as four times throughout the year.

## Key Deadlines and Decision Dates



## Pros and Cons

Each of the three options identified above comes with its own pros and cons. A chart highlighting some pros and cons of each option is set forth in Attachment A. The chart is not intended to reflect all pros and cons for each option. The pros and cons all have different weights, and the number of pros and cons identified shall not be construed as indicating a preference for any particular option.

## Alignment with Supreme Court and Board Adopted Guiding Principles

On May 22, 2025, the Board began planning for bar exams for 2026 and beyond. The Board adopted guiding principles for how to make decisions regarding the future development and administration of the exam. In identifying the guiding principles, the Board was informed by the guiding principles recommended by the BRC and adopted by the Supreme Court. The Board recommended that CBE adopt the same guiding principles for the development of a bar exam as the Board. The CBE began discussion of these principles at its June 20, 2025, meeting, but opted to defer a decision until further discussion could be had with the Board at this joint meeting.

Attachment B identifies the extent to which each option aligns with the guiding principles adopted by the Board of May 22, 2025, and the guiding principles adopted by the Supreme Court on October 10, 2024.

## Cost-Benefit Analysis to Inform Recommendation for Future Bar Exam

The revisions to Title 9 of the California Rules of Court discussed in [item 2.2](#) on today's agenda would, if adopted, require the CBE, as part of a proposal to change the bar examination, to develop a cost-benefit analysis to include, if relevant, the following components:

- The direct and indirect costs and the tangible and intangible benefits of existing practices compared to the proposed changes;

- 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;
- Whether any new technological requirements or new fees to implement the proposed changes would place an under financial burden on the examinees;
- The estimated number of staff necessary to implement the changes; and
- Whether the proposed changes have previously demonstrated their efficacy under testing conditions similar to those of the bar examination.

Following the input and direction of CBE and the Board on August 14, staff will begin to develop a cost-benefit analysis of the different options under consideration. The cost-benefit analysis should inform the recommendation of CBE and the Board as to the bar exam to be delivered February 2028 and beyond. In light of the notice requirement, the recommendation needs to be specific as to the components of the exam to be administered.

Staff intend to present the cost-benefit analysis to CBE at its regularly scheduled October meeting, and to the Board at its regularly scheduled November meeting. In conducting this analysis, staff will seek to gather as much information as possible to meet the expectations of the Supreme Court.

[AB 484 \(Dixon\)](#), also includes a requirement that CBE report to the Board, the Supreme Court, and the Legislature 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. If enacted, this analysis would be incorporated into the cost-benefit analysis.

Staff seeks the input of CBE and the Board if there is any specific information that should be included in the cost-benefit analysis to assist in weighing these very important options.

## **PREVIOUS ACTION**

[June 20, 2025](#): The CBE discussed the Board adopted guiding principles as part of a discussion on whether to revisit the BRC recommendation to create a California bar exam instead of adopting the NextGen UBE.

[May 22, 2025](#): The Board adopted guiding principles for making decisions about the kind of bar exam to develop. for the future development and administration of a bar exam.

[May 2, 2025](#): The Supreme Court directed the return to the MBE for July 2025.

[March 4, 2025](#): The Supreme Court directed that for the July 2025 bar exam, the State Bar plan for a return to in person administration. Subsequently, the Board and CBE directed the return returning to an in-person administration.

[October 10, 2024](#): The Supreme Court adopted, in part and with modifications, the recommendations of the BRC, that the State Bar develop a California-specific bar exam. This

order followed the [May 2023](#) adoption of the final recommendations of the BRC develop its own exam in lieu of transitioning to the NCBE's NextGen Exam.

[May 2020](#): The Board directed the creation of the BRC and discussed, among other studies, the Differential Item Functioning Analysis Report, prepared in December 2019, to assess whether there was differential performance on the essays and performance test administered over the prior 10 years, looking at gender, race/ethnicity, and law school type.

## **FISCAL/PERSONNEL IMPACT**

Following today's discussion and direction from the CBE and the Board, staff will develop a cost-benefit analysis as required by rule 9.6(b) in the revisions to the Title 9 rules currently under consideration. As currently drafted, the cost-benefit analysis must include:

- The direct and indirect costs and the tangible and intangible benefits of existing practices compared to the proposed changes;
- 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;
- Whether any new technological requirements or new fees to implement the proposed changes would place an under financial burden on the examinees;
- The estimated number of staff necessary to implement the changes; and
- Whether the proposed changes have previously demonstrated their efficacy under testing conditions similar to those of the bar examination.

This cost-benefit analysis will provide guidance to the CBE and the Board on the best estimate of costs of different options, and the impact of those options on the Admissions Fund and staff resources.

## **AMENDMENTS TO RULES**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

- a. 2. Revise admissions requirements to be more relevant to the practice of law in alignment with the recommendations of the Blue Ribbon Commission on the Future of the Bar Exam.

## **RESOLUTIONS**

Should the Committee of Bar examiners concur, it is:

**RESOLVED**, that the Committee of Bar Examiners adopts the same guiding principles and priorities for exam administration and development adopted by the Board of Trustees on May 22, 2025, for the purpose of shaping the direction for the California Bar Examination for 2026 and beyond.

## **ATTACHMENTS LIST**

- A. Pros and Cons of Three Future Bar Exam Options
- B. Alignment of Future Bar Exam Options with Board and Supreme Court Adopted Guiding Principles

**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> Adopted by the Supreme Court (Oct. 10, 2024)	<b>Guiding Principles</b> Adopted by the Board (May 22, 2025)	<b>Option 1</b> <b>Feb 2028 Bar Exam:</b> Return to Kaplan MCQs and CA Essays/PT as a Bridge to New Bar Exam	<b>Option 2</b> <b>Feb 2028 Bar Exam:</b> Adopt the NextGen UBE	<b>Option 3</b> <b>Feb 2028 Bar Exam:</b> 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

<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.

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

<b>Guiding Principles</b> Adopted by the Supreme Court (Oct. 10, 2024)	<b>Guiding Principles</b> Adopted by the Board (May 22, 2025)	<b>Option 1</b> <b>Feb 2028 Bar Exam:</b> Return to Kaplan MCQs and CA Essays/PT as a Bridge to New Bar Exam	<b>Option 2</b> <b>Feb 2028 Bar Exam:</b> Adopt the NextGen UBE	<b>Option 3</b> <b>Feb 2028 Bar Exam:</b> 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: -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.

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

# **EXHIBIT 10**



# The State Bar of California

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## Joint Meeting of the Board of Trustees with the Committee of Bar Examiners Zoom

Open Session Minutes  
Thursday, August 14, 2025  
9:05 a.m.– 3:35 p.m.

**Time meeting Commenced:** The Committee of Bar Examiners meeting commenced in open session at 9:05 a.m. The Committee of Bar Examiners moved into a joint closed session with the Board of Trustees at 2:48 p.m. The Committee of Bar Examiners adjourned at 3:35 p.m. while the Board of Trustees continued in closed session.

**Time meeting Adjourned:** 3:35 p.m.

**Chair:** Alex Chan

**Committee Coordinator:** Devan McFarland

**Members Present:** James A. Bolton, Ph.D., Alex H. Chan, Kareem Gongora [joined late], Paul A. Kramer, Justice Shama H. Mesiwala, Joshua Montgomery [joined late], Bethany J. Peak, Ashley Silva Guzman, Juliane Smith, Vincent Reyes, Alan Yochelson

**Members Absent:** Michael Cao, M.D, Larry Kaplan, Alexander C. Lawrence, Jr, Esther Lin, Judge Renee C. Reyna

**Staff Present:** Audrey Ching, Erika Doherty, Ellin Davtyan, Donna Hershkowitz

### OPEN SESSION

#### ROLL CALL

The Committee of Bar Examiners meeting was called to order by Chair Chan. Roll call was taken and a quorum was established.

#### PUBLIC COMMENT

Board of Trustees Chair Stallings called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Board of Trustees and Committee of Bar Examiners:

1. Kai Ong:  
Requested his disciplinary complaint be looked into regarding misconduct in the Sacramento District Attorney's office in a matter involving their father's death. Indicated filed a complaint with the State Bar in March 2025, and asked the Board Chair to direct staff to look into the matter.
2. Benjamin Kohn:

Urged the State Bar to reject the NextGen bar exam, make remote testing an option for accommodated applicants, and avoid fee increases by seeking alternative funding rather than burdening applicants.

3. Ray Hayden:  
Emphasized the financial and logistical burdens of in-person testing in California and advocated for remote exams and increased flexibility for affected test-takers to use the application fee waiver.
4. Jules Sarkar:  
Called on the State Bar to reject fee increases and end cooperation with the National Conference of Bar Examiners, citing misleading financial data, lack of transparency, and unaccountable conduct by admissions staff.
5. Reann Pacheco:  
Urged the State Bar to lower proposed Provisionally Licensed Lawyer fees, warning that the steep costs will deter legal aid participation, reduce community access to diverse lawyers, and strain already underfunded legal aid organizations.
6. 1085:  
Shared concerns about not being able to present evidence of technical issues during the February bar exam to the consultant looking into testing accommodation issues during the exam; incurred significant expense to send the documentation to the State Bar.
7. Claire Solot:  
Urged adopting a lower Provisional Licensure Program fee; concerned that the fee had risen dramatically since the 2020 fee was set; recommended setting a lower fee for all PLLs working at all legal aid organizations.

## **1. Chair's Reports**

### **1.1 Chair of the Board of Trustees Report**

Chair Stallings provided an oral report.

### **1.2 Chair of the Committee of Bar Examiners Report**

Chair Chan provided an oral report.

## **2. Business for the Board of Trustees and Committee of Bar Examiners**

### **2.1 Admissions Update: February 2025 and July 2025 Bar Exam Administrations**

Presenter: Audrey Ching, Program Director, Office of Admissions

Discussion only.

### **2.2 Discussion and Action on Recommendation to the Supreme Court Relating to Proposed Amendments to Title 9 of California Rules of Court Following Public Comment**

Presenter: Donna Hershkowitz, Chief of Admissions

**RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees recommend to the Supreme Court the changes to the Supreme Court’s proposed rule amendments set forth in Attachment D, with any additional technical, non-substantive amendments needed; and it is

**FURTHER RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees direct staff to seek guidance from the Supreme Court as to the intention of rules 9.5(a) and (c) as set forth in the discussion section, above.

*Moved by Kramer, seconded by Yochelson*

*Ayes – (11) Bolton, Chan, Gongora, Kramer, Mesiwala, Montgomery, Peak, Silva-Guzman, Smith, Reyes, Yochelson*

*Nays – (0)*

*Abstain – (0)*

*Absent – (5) Cao, Kaplan, Lawrence, Lin, Reyna*

*Motion carries.*

### **2.3 Discussion and Action, If Appropriate, on Development of Recommendations for Future California Bar Exams Following the July 2025 Administration**

Presenter: Donna Hershkowitz, Chief of Admissions

**RESOLVED**, that the Committee of Bar Examiners adopts the same guiding principles and priorities for exam administration and development adopted by the Board of Trustees on May 22, 2025, for the purpose of shaping the direction for the California Bar Examination for 2026 and beyond, with the following added guiding principle: avoid locking the State Bar into long term vendor contracts so as to provide flexibility in licensing innovation.

*Moved by Silva-Guzman, seconded by Peak*

*Ayes – (10) Bolton, Chan, Kramer, Mesiwala, Montgomery, Peak, Silva-Guzman, Smith, Reyes, Yochelson*

*Nays – (0)*

*Abstain – (0)*

*Absent – (6) Cao, Gongora, Kaplan, Lawrence, Lin, Reyna*

*Motion carries.*

**RESOLVED**, that the Committee of Bar Examiners recommends proceeding on a timeline that would allow the 2-year notice of changes to the Bar Exam to be provided by July 2026.

*Moved by Kramer, seconded by Reyes*

*Ayes – (10) Bolton, Chan, Kramer, Mesiwala, Montgomery, Peak, Silva-Guzman, Smith, Reyes, Yochelson*  
*Nays – (0)*  
*Abstain – (0)*  
*Absent – (6) Cao, Gongora, Kaplan, Lawrence, Lin, Reyna*

*Motion carries.*

#### **2.4 Discussion and Action, If Appropriate, on Bar Exam Fees and Other Admissions Fees for 2026 and 2027**

Presenters: Donna Hershkowitz, Chief of Admissions  
Aracely Montoya-Chico, Chief Financial Officer

**RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees increase the application fee to sit for the bar exam by \$150 for both nonattorney and attorney applicants from the current \$850 and \$1,500 fees, respectively, and further that staff be directed to explore additional efficiencies and cost savings and to explore the feasibility of allowing installment payments.

*Moved by Kramer, seconded by Bolton*

*Ayes – (5) Bolton, Chan, Kramer, Mesiwala, Yochelson*  
*Nays – (5) Gongora, Peak, Silva-Guzman, Smith, Reyes*  
*Abstain – (0)*  
*Absent – (6) Cao, Kaplan, Lawrence, Lin, Montgomery, Reyna*

*Motion fails.*

#### **2.5 Discussion and Action, If Appropriate, on Provisional Licensure Programs: Past and Future Data Collection Efforts**

Presenter: Lisa Chavez, Principal Program Analyst, Office of Admissions

Discussion only.

#### **2.6 Discussion and Approval of 2025 Provisional Licensure Program Fee**

Presenter: Aracely Montoya-Chico, Chief Financial Officer  
Audrey Ching, Program Director, Office of Admissions

**RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees approve Option 1 as the fee to be charged for the 2025 Provisional Licensure Program.

*Moved by Silva-Guzman, seconded by Peak*

*Ayes – (10) Bolton, Chan, Gongora, Kramer, Mesiwala, Peak, Silva-Guzman, Smith, Reyes, Yochelson*  
*Nays – (0)*  
*Abstain – (0)*

*Absent – (6) Cao, Kaplan, Lawrence, Lin, Montgomery, Reyna*

*Motion carries.*

Chair Stallings announced that pursuant to Government Code sections *11126(e)(2)(B)(i)* and *11126(e)(2)(A)* to discuss conferences with legal counsel for anticipated litigation and existing litigation for both the Board of Trustees and the Committee of Bar Examiners consideration. The public was also informed that closed session item 2.1 pursuant to government code 6026.7(c)(6) and 6086.1(c) would solely be for the consideration of the Board of Trustees regarding the request to waive confidentiality.

**CLOSED SESSION**

**Board of Trustees and Committee of Bar Examiners**

**1. Closed Business for the Board of Trustees and Committee of Bar Examiners**

**1.1 Conference with Legal Counsel—Anticipated Litigation**

***\*Closed Pursuant to Government Code § 11126(e)(2)(B)(i)***

**1.2 Conference with Legal Counsel—Existing Litigation**

**State Bar of California v. ProctorU, Inc. d/b/a Meazure Learning**

**Los Angeles Superior Court, Case No. 25STCV1308**

***\*Closed Pursuant to Government Code § 11126, subdivision (e)(2)(A)***

**ADJOURN**

**Committee of Bar Examiners**

# **EXHIBIT 11**



# The State Bar of California

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Joint Meeting of the Board of Trustees with the Committee of Bar Examiners  
Zoom

**Open Session Minutes**  
**Thursday, August 14, 2025**  
**9:05 a.m.– 3:54 p.m.**

**Time meeting Commenced:** The Board of Trustees joint meeting with the Committee of Bar Examiners commenced in open session at 9:05 a.m. The Board moved into a joint closed session with the Committee of Bar Examiners at 2:48 p.m. The Committee of Bar Examiners adjourned at 3:35 p.m. while the Board of Trustees continued in closed session. The Board reconvened in open session at 3:49 p.m.

**Time meeting Adjourned:** 3:54 p.m.

**Board of Trustees**

**Chair:** Brandon Stallings

**Board Secretary:** Sharon Lim

**Members Present:** Patricia Barahona, Raymond Buenaventura, José Cisneros, Debra Gore (joined late), Cynthia Grande, Ryan Harrison, Arnold Sowell Jr., Brandon Stallings, Mattheus Stephens (joined late), Mark Toney, Genaro Trejo

**Members Absent:** Sarah Good, Mary Huser

**Committee of Bar Examiners**

**Chair:** Alex Chan

**Committee Coordinator:** Devan McFarland

**Members Present:** James A. Bolton, Ph.D., Alex H. Chan, Kareem Gongora [joined late], Paul A. Kramer, Justice Shama H. Mesiwala, Joshua Montgomery [joined late], Bethany J. Peak, Ashley Silva-Guzman, Juliane Smith, Vincent Reyes, Alan Yochelson

**Members Absent:** Michael Cao, M.D, Larry Kaplan, Alexander C. Lawrence, Jr, Esther Lin, Judge Renee C. Reyna

**Staff Present:** Audrey Ching, Erika Doherty, Ellin Davtyan, Donna Hershkowitz, Jean Krasilnikoff

## OPEN SESSION

### ROLL CALL

The Board of Trustees meeting was called to order by Chair Stallings. Roll call was taken and a quorum was established for the Board. The Committee of Bar Examiners meeting was called to order by Chair Chan. Roll call was taken and a quorum was established for the committee.

## **PUBLIC COMMENT**

Chair Stallings called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Board of Trustees and Committee of Bar Examiners:

1. Kai On:  
Requested his disciplinary complaint be looked into regarding misconduct in the Sacramento District Attorney's office in a matter involving their father's death. Indicated filed a complaint with the State Bar in March 2025, and asked the Board Chair to direct staff to look into the matter.
2. Benjamin Kohn:  
Urged the State Bar to reject the NextGen bar exam, make remote testing an option for accommodated applicants, and avoid fee increases by seeking alternative funding rather than burdening applicants.
3. Ray Hayden:  
Emphasized the financial and logistical burdens of in-person testing in California and advocated for remote exams and increased flexibility for affected test-takers to use the application fee waiver.
4. Julian Sarkar:  
Called on the State Bar to reject fee increases and end cooperation with the National Conference of Bar Examiners, citing misleading financial data, lack of transparency, and unaccountable conduct by admissions staff.
5. Reann Pacheco:  
Urged the State Bar to lower proposed Provisionally Licensed Lawyer fees, warning that the steep costs will deter legal aid participation, reduce community access to diverse lawyers, and strain already underfunded legal aid organizations.
6. 1085:  
Shared concerns about not being able to present evidence of technical issues during the February bar exam to the consultant looking into testing accommodation issues during the exam; incurred significant expense to send the documentation to the State Bar.
7. Claire Solot:  
Urged adopting a lower Provisional Licensure Program fee; concerned that the fee had risen dramatically since the 2020 fee was set; recommended setting a lower fee for all PLLs working at all legal aid organizations.

## **1. Chair's Reports**

### **1.1 Chair of the Board of Trustees Report**

Chair Stallings provided an oral report.

## 1.2 Chair of the Committee of Bar Examiners Report

Chair Chan provided an oral report.

## 2. Business for the Board of Trustees and Committee of Bar Examiners

### 2.1 Admissions Update: February 2025 and July 2025 Bar Exam Administrations

Presenter: Audrey Ching, Program Director, Office of Admissions

Discussion only.

### 2.2 Discussion and Action on Recommendation to the Supreme Court Relating to Proposed Amendments to Title 9 of California Rules of Court Following Public Comment

Presenter: Donna Hershkowitz, Chief of Admissions

**RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees recommend to the Supreme Court the changes to the Supreme Court's proposed rule amendments set forth in Attachment D, with any additional technical, non-substantive amendments needed; and it is

**FURTHER RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees direct staff to seek guidance from the Supreme Court as to the intention of rules 9.5(a) and (c) as set forth in the discussion section, above.

*Moved by Kramer, seconded by Yochelson*

*Ayes – (11) Bolton, Chan, Gongora, Kramer, Mesiwala, Montgomery, Peak, Silva-Guzman, Smith, Reyes, Yochelson*

*Nays – (0)*

*Abstain – (0)*

*Absent – (5) Cao, Kaplan, Lawrence, Lin, Reyna*

*Motion carries.*

**RESOLVED**, that the Board of Trustees recommends to the Supreme Court the changes to the Supreme Court's proposed rule amendments set forth in Attachment D, with any additional technical, non-substantive amendments needed; and it is

**FURTHER RESOLVED**, that the Board of Trustees directs staff to seek guidance from the Supreme Court as to the intention of rules 9.5(a) and (c) as set forth in the discussion section, above; and it is

**FURTHER RESOLVED**, that the Board of Trustees delegates authority to the Interim Executive Director, in consultation with the chair and vice-chair of the Board of Trustees, to identify any recommended changes to the Supreme Court's proposed rule amendments relating to the regulation and discipline of attorneys; and it is

**FURTHER RESOLVED**, that staff shall transmit the recommended changes to the Supreme Court’s proposed rule amendments regarding admission-related matters, regulation of attorneys, and discipline of attorneys, to the Supreme Court.

*Moved by Stallings, seconded by Harrison*

*Ayes – (11) Barahona, Buenaventura, Cisneros, Gore, Grande, Harrison, Sowell, Stephens, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (2) Good, Huser*

*Motion carries.*

### **2.3 Discussion and Action, If Appropriate, on Development of Recommendations for Future California Bar Exams Following the July 2025 Administration**

Presenter: Donna Hershkowitz, Chief of Admissions

**RESOLVED**, that the Committee of Bar Examiners adopts the same guiding principles and priorities for exam administration and development adopted by the Board of Trustees on May 22, 2025, for the purpose of shaping the direction for the California Bar Examination for 2026 and beyond, with the following added guiding principle: avoid locking the State Bar into long term vendor contracts so as to provide flexibility in licensing innovation.

*Moved by Silva-Guzman, seconded by Peak*

*Ayes – (10) Bolton, Chan, Kramer, Mesiwala, Montgomery, Peak, Silva-Guzman, Smith, Reyes, Yochelson*

*Nays – (0)*

*Abstain – (0)*

*Absent – (6) Cao, Gongora, Kaplan, Lawrence, Lin, Reyna*

*Motion carries.*

**RESOLVED**, that the Committee of Bar Examiners recommends proceeding on a timeline that would allow the 2-year notice of changes to the Bar Exam to be provided by July 2026.

*Moved by Kramer, seconded by Reyes*

*Ayes – (10) Bolton, Chan, Kramer, Mesiwala, Montgomery, Peak, Silva-Guzman, Smith, Reyes, Yochelson*

*Nays – (0)*

*Abstain – (0)*

*Absent – (6) Cao, Gongora, Kaplan, Lawrence, Lin, Reyna*

*Motion carries.*

**RESOLVED**, that the Board of Trustees concurs with the recommendation of the Committee of Bar Examiners to proceed on a timeline that would allow the 2-year notice of changes to the bar exam to be provided by July 2026.

*Moved by Harrison, seconded by Toney*

*Ayes – (11) Barahona, Buenaventura, Cisneros, Gore, Grande, Harrison, Sowell, Stephens, Toney, Trejo, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (2) Good, Huser*

*Motion carries.*

#### **2.4 Discussion and Action, If Appropriate, on Bar Exam Fees and Other Admissions Fees for 2026 and 2027**

Presenters: Donna Hershkowitz, Chief of Admissions  
Aracely Montoya-Chico, Chief Financial Officer

**RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees increase the application fee to sit for the bar exam by \$150 for both nonattorney and attorney applicants from the current \$850 and \$1,500 fees, respectively, and further that staff be directed to explore additional efficiencies and cost savings and to explore the feasibility of allowing installment payments.

*Moved by Kramer, seconded by Bolton*

*Ayes – (5) Bolton, Chan, Kramer, Mesiwala, Yochelson*

*Nays – (5) Gongora, Peak, Silva-Guzman, Smith, Reyes*

*Abstain – (0)*

*Absent – (6) Cao, Kaplan, Lawrence, Lin, Montgomery, Reyna*

*Motion fails.*

**RESOLVED**, that the Board of Trustees adopts the increase to the application fee to sit for the bar exam by \$150 for both nonattorney and attorney applicants from the current \$850 and \$1,500 fees, respectively; , and further that staff be directed to explore additional efficiencies and cost savings and to explore the feasibility of allowing installment payments and authorizes staff to make appropriate updates and changes to the Schedule of Charges and Deadlines.

*Moved by Sowell, seconded by Gore*

*Ayes – (5) Cisneros, Harrison, Stephens, Trejo, Stallings*

*Nays – (6) Barahona, Buenaventura, Gore, Grande, Sowell, Toney*

*Abstain – (0)*

*Absent – (2) Good, Huser*

*Motion does not carry.*

## 2.5 Discussion and Action, If Appropriate, on Provisional Licensure Programs: Past and Future Data Collection Efforts

Presenter: Lisa Chavez, Principal Program Analyst, Office of Admissions

Discussion only.

## 2.6 Discussion and Approval of 2025 Provisional Licensure Program Fee

Presenter: Aracely Montoya-Chico, Chief Financial Officer  
Audrey Ching, Program Director, Office of Admissions

**RESOLVED**, that the Committee of Bar Examiners recommends that the Board of Trustees approve Option 1 as the fee to be charged for the 2025 Provisional Licensure Program.

*Moved by Silva-Guzman, seconded by Peak*

*Ayes – (10) Bolton, Chan, Gongora, Kramer, Mesiwala, Peak, Silva-Guzman, Smith, Reyes, Yochelson*  
*Nays – (0)*

*Abstain – (0)*

*Absent – (6) Cao, Kaplan, Lawrence, Lin, Montgomery, Reyna*

*Motion carries.*

**RESOLVED**, that the Board of Trustees approves Option 1 as the fees to be charged for the 2025 Provisional Licensure Program and authorizes staff to make appropriate updates and changes to the Schedule of Charges and Deadlines.

*Moved by Stallings, seconded by Grande*

*Ayes – (7) Cisneros, Gore, Grande, Harrison, Stephens, Toney, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (2) Barahona, Buenaventura, Good, Huser, Sowell, Trejo*

*Motion carries.*

Chair Stallings announced that pursuant to Government Code sections 11126(e)(2)(B)(i) and 11126(e)(2)(A) to discuss conferences with legal counsel for anticipated litigation and existing litigation for both the Board of Trustees and the Committee of Bar Examiners consideration. The public was also informed that closed session item 2.1 pursuant to government code 6026.7(c)(6) and 6086.1(c) would solely be for the consideration of the Board of Trustees regarding the request to waive confidentiality.

**CLOSED SESSION**  
**Board of Trustees and Committee of Bar Examiners**

**1. Closed Business for the Board of Trustees and Committee of Bar Examiners**

**1.1 Conference with Legal Counsel—Anticipated Litigation**

*\*Closed Pursuant to Government Code § 11126(e)(2)(B)(i)*

**1.2 Conference with Legal Counsel—Existing Litigation**

State Bar of California v. ProctorU, Inc. d/b/a Meazure Learning

Los Angeles Superior Court, Case No. 25STCV1308

*\*Closed Pursuant to Government Code § 11126, subdivision (e)(2)(A)*

**OPEN SESSION**  
**Committee of Bar Examiners**

The committee reconvened in open session and announced that there were no actions to report from the closed session.

**ADJOURN**  
**Committee of Bar Examiners**

**CLOSED SESSION (continued)**  
**Board of Trustees**

**2. Closed Business for the Board of Trustees**

**2.1 Request to Waive Confidentiality Pursuant to Business and Professions Code Section 6086.1**

*\*Closed Pursuant to Business and Professions Code § 6026.7, subdivision(c)(6) and 6086.1, subdivision(c)*

The Board reconvened in open session and announced that there were no actions to report from the closed session.

**OPEN SESSION**  
**Board of Trustees**

**3. Business for the Board of Trustees**

**3.1 Report on, Approval, and Ratification of Actions Taken by Interim Executive Director Approving Specified Contracts Pursuant to Business and Professions Code Section 6008.6**

Presenter: Erika Doherty, Interim Executive Director, Office of the Executive Director

**RESOLVED**, that the Board of Trustees, approves the contracts listed herein and further ratifies the Interim Executive Director's approval of these expenditures and contracts, effective on July 23, 2025, to provide electrical work related to increased space need for accommodated test takers at the listed test sites.

*Moved by Harrison, seconded by Toney*

*Ayes – (7) Cisneros, Gore, Grande, Harrison, Stephens, Toney, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (6) Barahona, Buenaventura, Good, Huser, Sowell, Trejo*

*Motion carries.*

**3.2 Approval of Extension to the Law Corporation and Limited Liability Partnership Annual Renewal Period Due Date, Late Fee Assessed Date, and Final Deadline for Renewal**

Presenter: Steven Moawad, Special Counsel, Division of Regulation

**RESOLVED**, that the Board of Trustees approves and adopts the amendments to the Rules of the State Bar of California, Appendix A: Schedule of Charges and Deadlines, as set forth in Attachments A (redline version) and B (clean version). Only the revised sections of Appendix A are presented. The remainder is excluded as it remains unchanged.

*Moved by Sowell, seconded by Gore*

*Ayes – (7) Cisneros, Gore, Grande, Harrison, Stephens, Toney, Stallings*

*Nays – (0)*

*Abstain – (0)*

*Absent – (6) Barahona, Buenaventura, Good, Huser, Sowell, Trejo*

*Motion carries.*

**ADJOURN**