

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 2 OF 6)**



PREPARED BY
THE STATE BAR OF CALIFORNIA

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EXHIBIT 12



The State Bar of *California*

Admissions Update

Donna Hershkowitz, Chief of Admissions/Legislative Director
Audrey Ching, Program Director III, Office of Admissions

Board of Trustees Meeting, September 18–19, 2025

Agenda

- July 2025 Bar Exam: Key Data and Post-Exam Survey Results
- February 2025 Bar Exam: Key Takeaways/Lessons Learned
- February 2026 Bar Exam: Status Update
- Legislative Update and Schedule for Development of Cost-Benefit Analysis and Recommendation to California Supreme Court on Future Bar Exam
- Provisional Licensure Program: Status Update
- October 2025 FYLSX: Status Update
- October 2025 LSX: Status Update



July 2025 Bar Exam in Review



The State Bar of California

By the Numbers

9,859
applicants

1,294
approved applicants subsequently
withdrawn by self or administration

8,328
test takers expected
on exam day

**Approved to take
exam**

9,622

215 Application abandoned or withdrawn
prior to eligibility status determination

22 Ineligible for exam

Attended exam

7,740

571 No-shows and withdrawals

17 Partial test takers

Among July 2025 exam attendees:

- 807 failed the February 2025 exam
- 504 withdrew from the February 2025 exam



The State Bar of California

Testing Accommodations (TA)

Applicants and Exam Attendees	Number
Applicants that requested a TA	1,267
Applicants granted at least one accommodation	1,210
Exam attendees with at least one accommodation	1,026

Types of Accommodations Granted*	Number
Extra time**	
Time and one-half	758
1.75/double time/more than double time	198
Time and one-quarter	137
30 extra minutes/time and one-sixth	90
Room-related accommodations	
Reduced-distraction room	263
Semi-private room	89
Private room	47
Other types of accommodations	
Food related	70
Alternative exam format (e.g., larger font, etc.)	30

* Analysis is limited to applicants granted a TA. Some TA applicants received more than one TA. Analyses based on those who attended the exam are in progress.

** All but 27 applicants with accommodations received extra time.

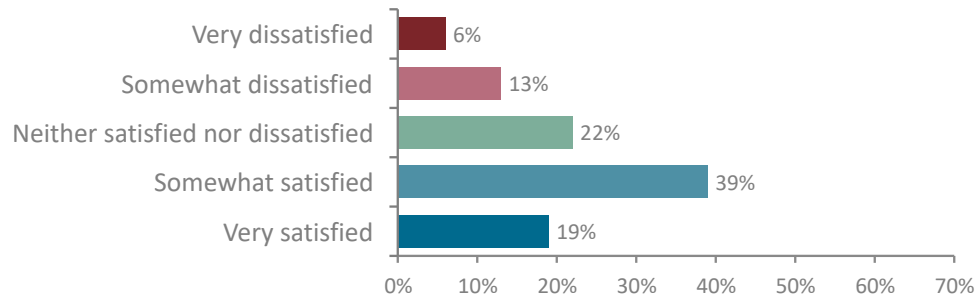
Post-Exam Survey: Key Findings

- Low response rate of **20%** (1,511 out of 7,740 applicants).
- Most survey respondents were satisfied with their exam experience—**58%** of those answering the question were satisfied; only **6%** were very dissatisfied.
- Most test takers, **73%**, said some multiple-choice questions seemed to have several correct answers, and **50%** believed some questions had no correct answer.
- Test center problems affected **68%** of test takers—mainly uncomfortable temperatures, not enough bathrooms, and poor seating.
- About **20%** reported problems with exam administration, mostly because of delays that made the day longer and late starts.
- **11%** had technology issues, and **5%** (49% of those with tech issues) said these problems hurt their performance.
- Most, **63%**, prefer in-person testing, while **29%** would choose remote.

Exam Experience Satisfaction

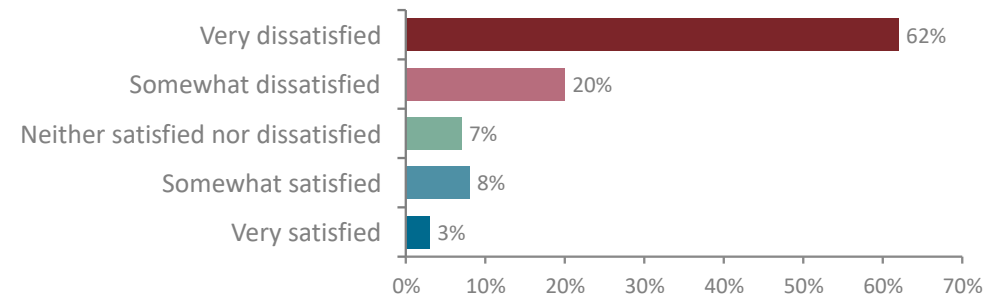
➤ July 2025 had the highest satisfaction at 58% (somewhat satisfied and very satisfied).

July 2025 Exam



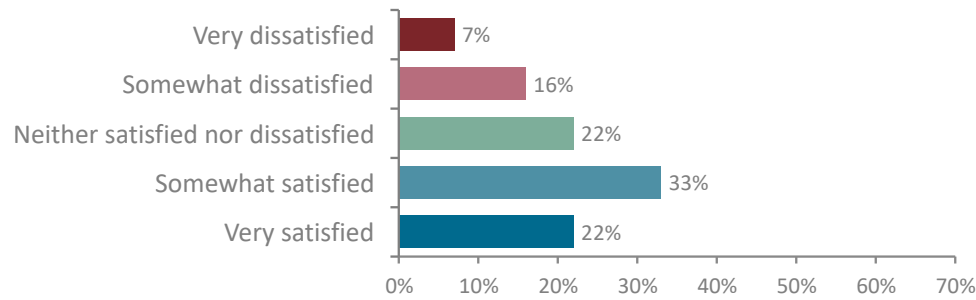
Question: Overall, how satisfied were you with your exam experience?

February 2025 Exam



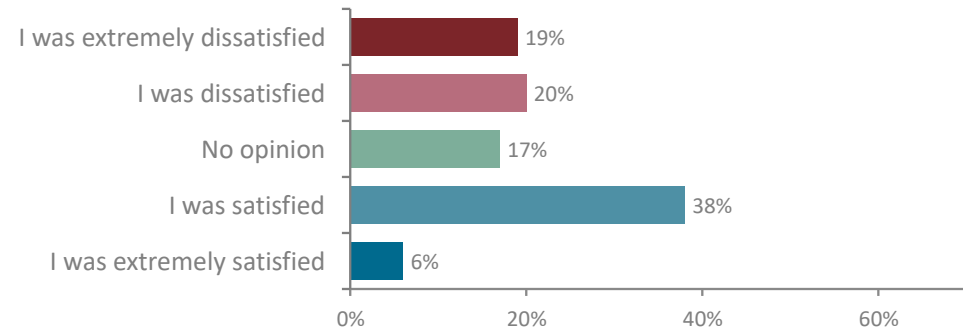
Question: Overall, how would you describe your in-person testing experience?

July 2024 Exam



Question: Overall, how satisfied were you with your exam day experience?

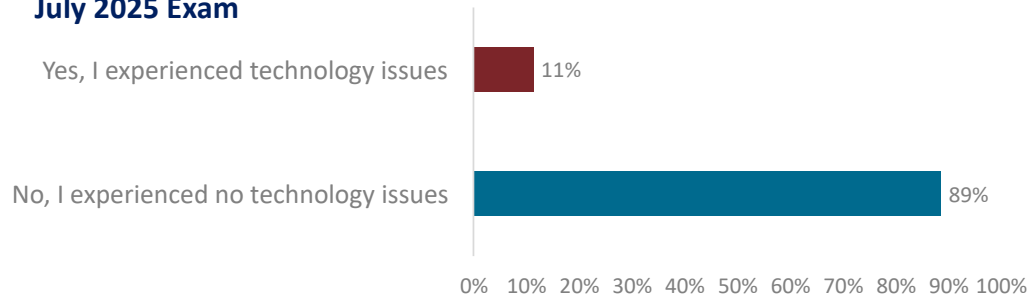
February 2024 Exam



Question: Overall, how would you describe your in-person testing experience?

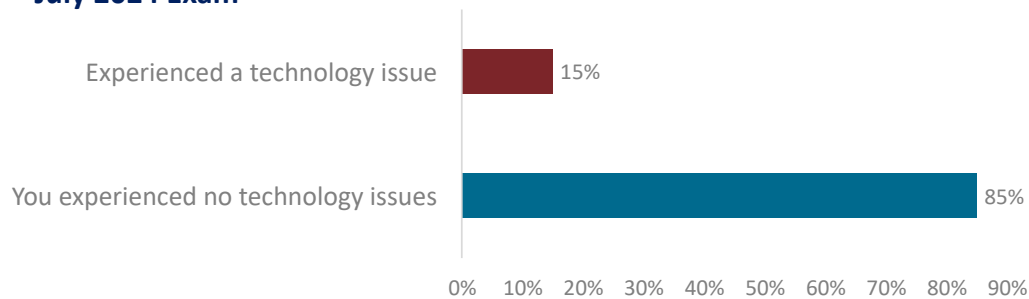
Technology Issues

July 2025 Exam



Question: Did you experience any technology issues writing essays and conducting the Performance Test using ExamSoft's software (e.g., platform crashed, typing delay, copy-and-paste not working)?

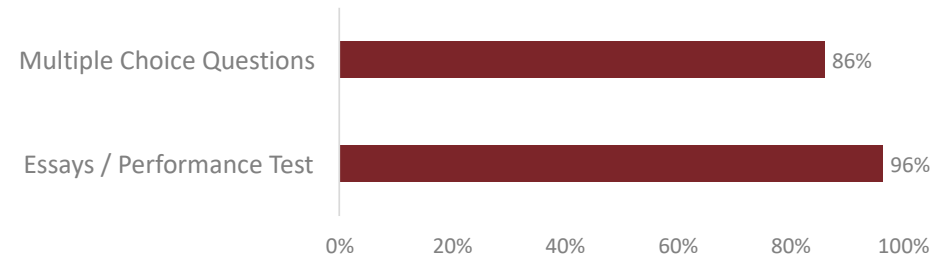
July 2024 Exam



Question: Did you face any of the following technology issues during the exam? (Check all that apply.)

February 2025 Exam

Percent that experienced a technology issue during each section

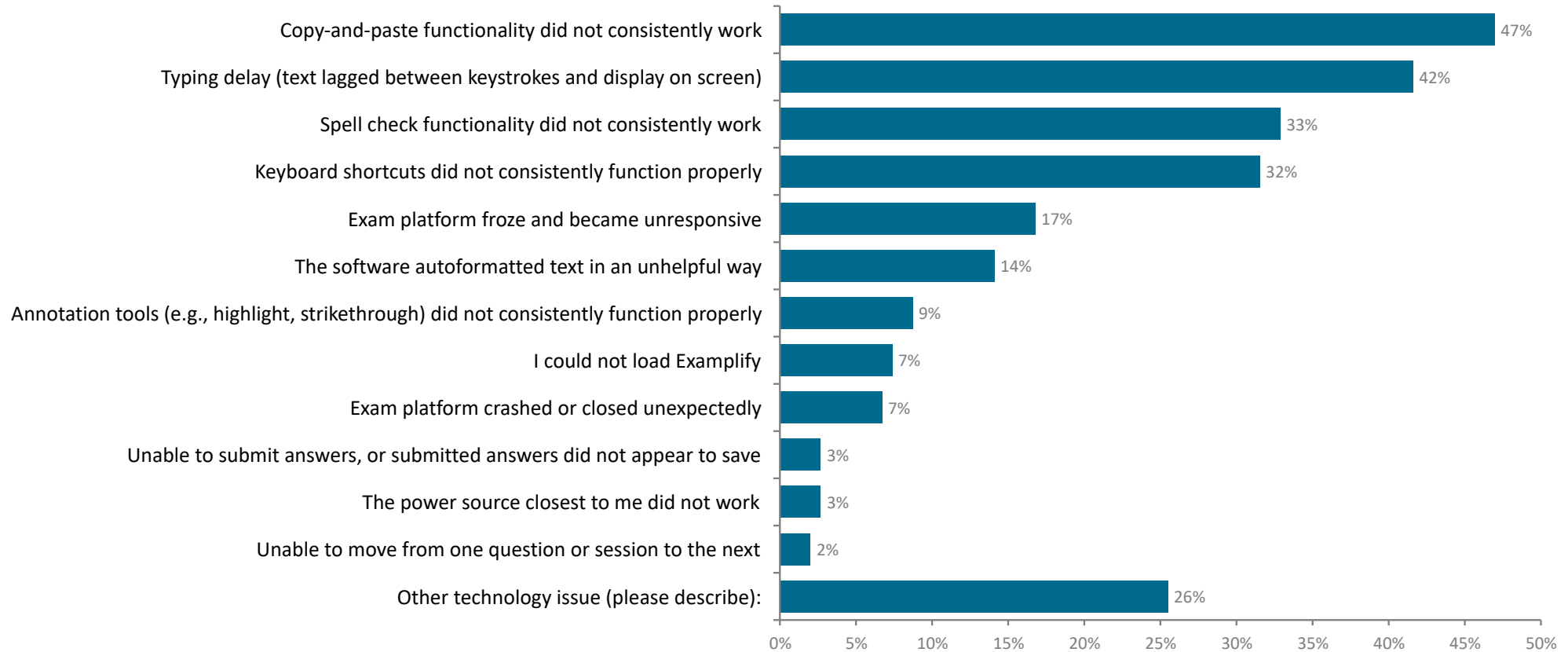


Question: Did you experience any of the following technology issues during the exam? (Check all that apply for each component of the exam.)



Technology Issues: July 2025

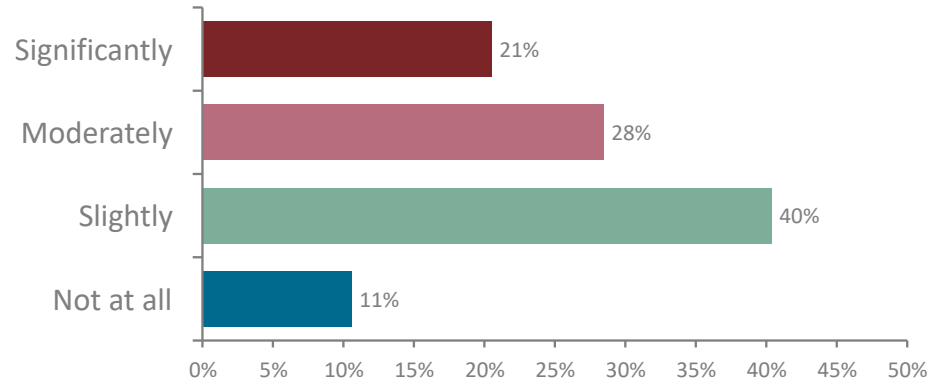
Of the 11% who indicated they experienced technology issues, almost half (47%) reported that the copy-and-paste functionality did not consistently work.



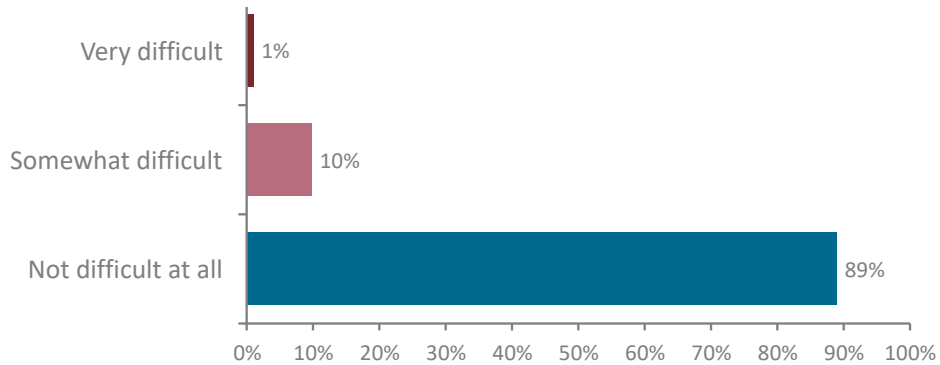
Question: Did you experience any of the following technology issues writing essays and conducting the Performance Test using ExamSoft's software? (Check all that apply.)

Technology Issues: July 2025

To what extent do you think the technology issues you experienced interfered with your ability to perform your best on the essays and Performance Test?

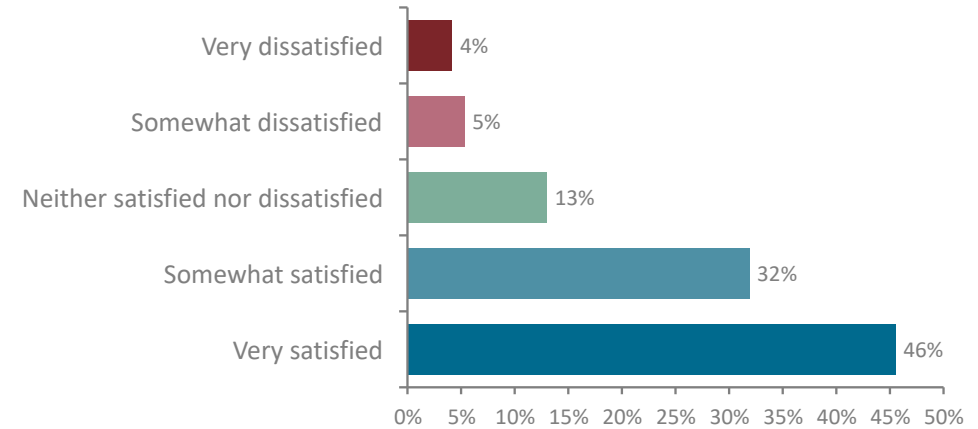


Uploading exam answer files



Question: How would you describe your experience with the uploading of your exam answer files after testing was completed?

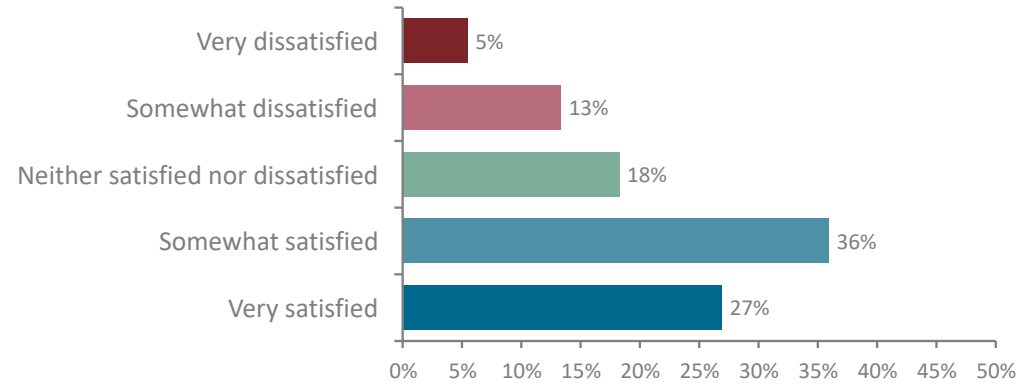
Satisfaction with ExamSoft's software



Question: How would you describe your level of satisfaction with ExamSoft's software?

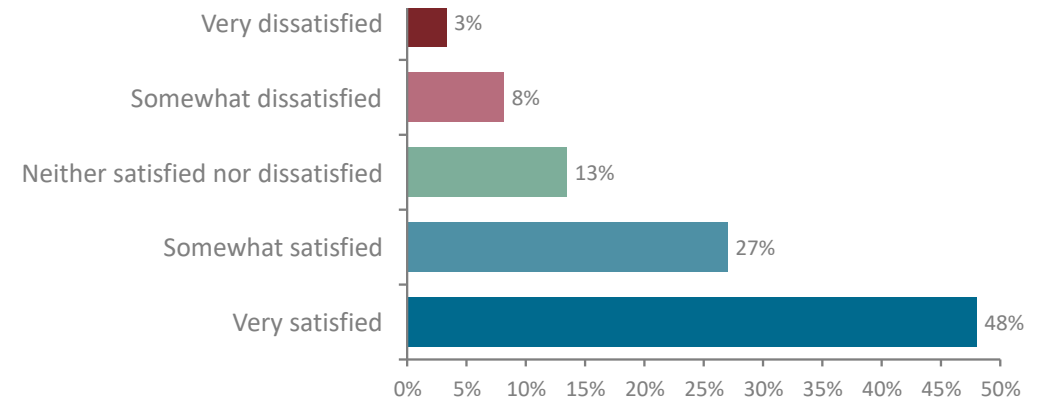
Test Centers and Proctors: July 2025

Test center satisfaction



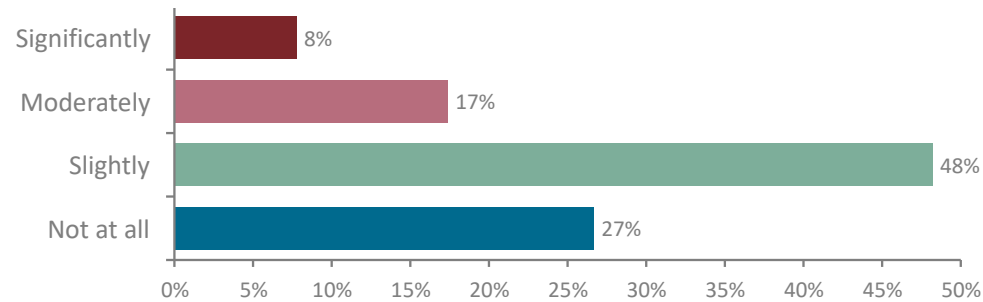
Question: How would you describe your level of satisfaction with the test center?

Proctor satisfaction



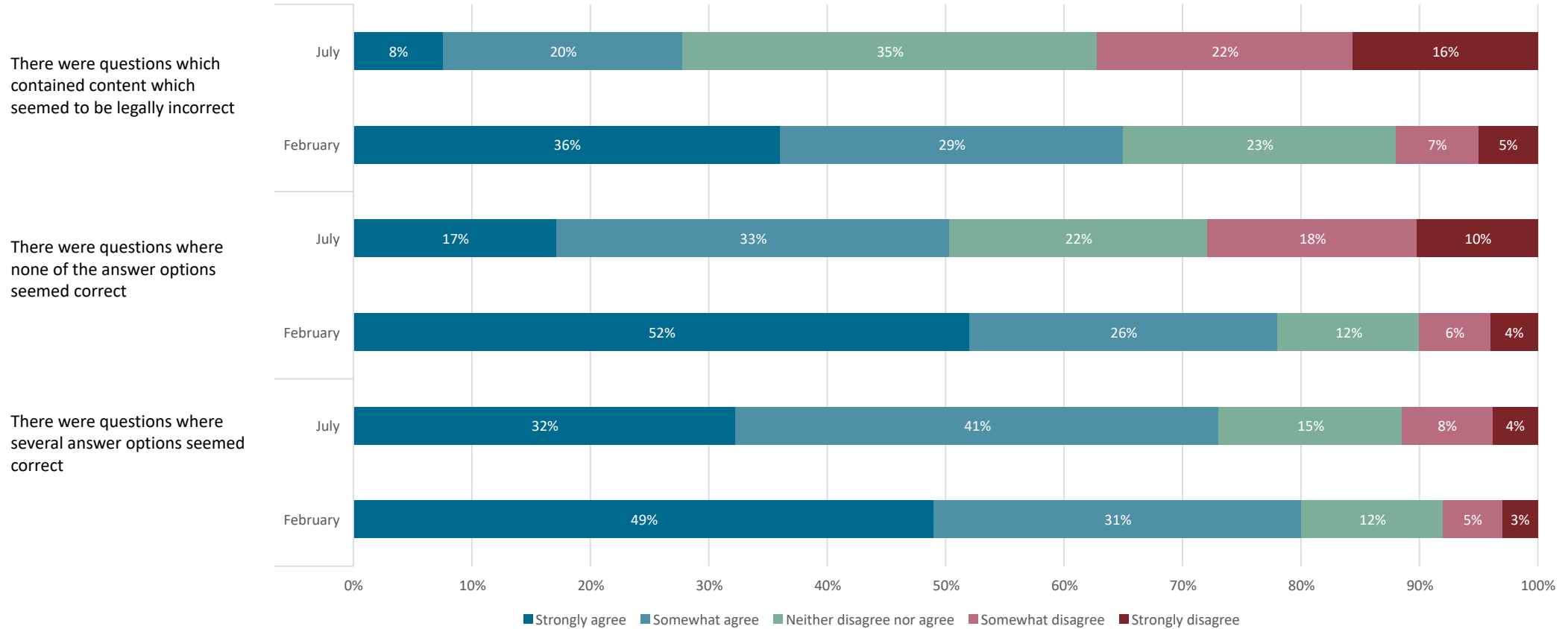
Question: How would you describe your level of satisfaction with the proctors?

To what extent do you think the test center issues you experienced interfered with your ability to perform your best on the exam? (Only asked of those who indicated test center issues)



Multiple-Choice Questions: 2025

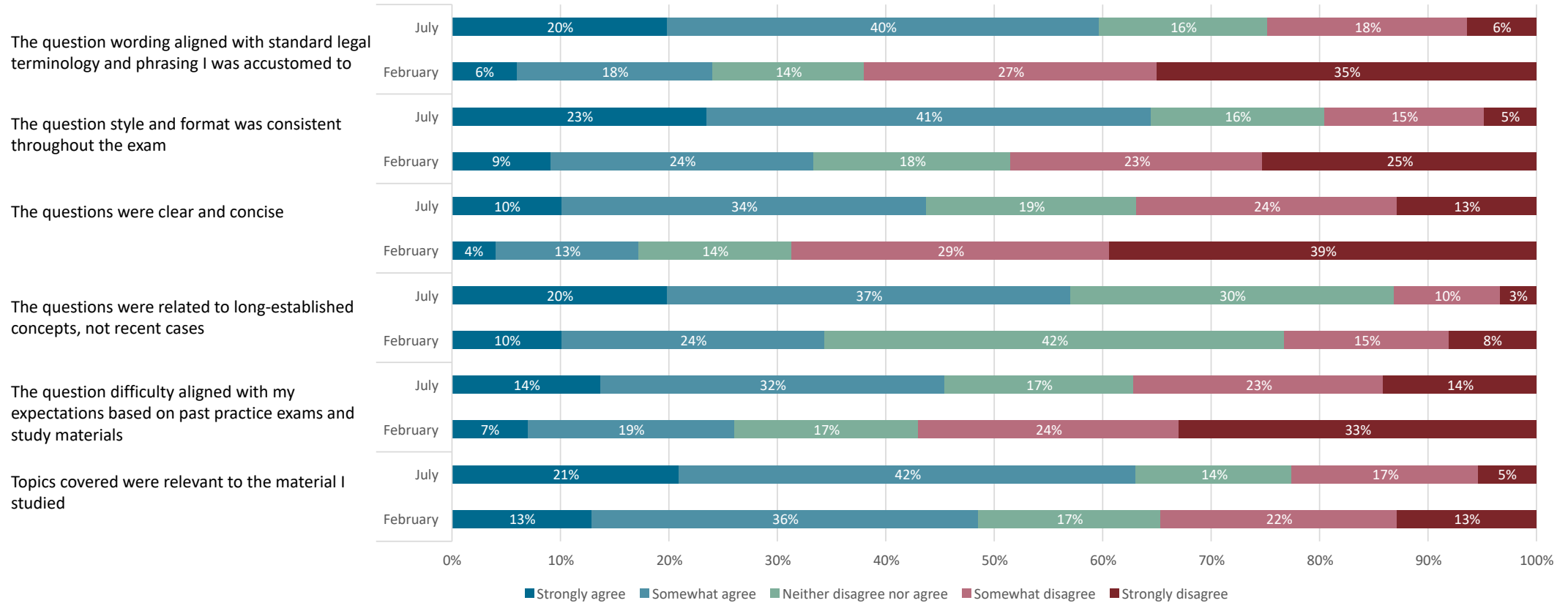
➤ Although a much smaller percentage of test takers in July 2025 took issue with the multiple-choice questions, the percentage of test takers who felt the questions were legally incorrect, or questions had zero or more than one correct answer, remained high.



Question: Please rate your agreement with the following statements about the multiple-choice questions.

Multiple-Choice Questions: 2025

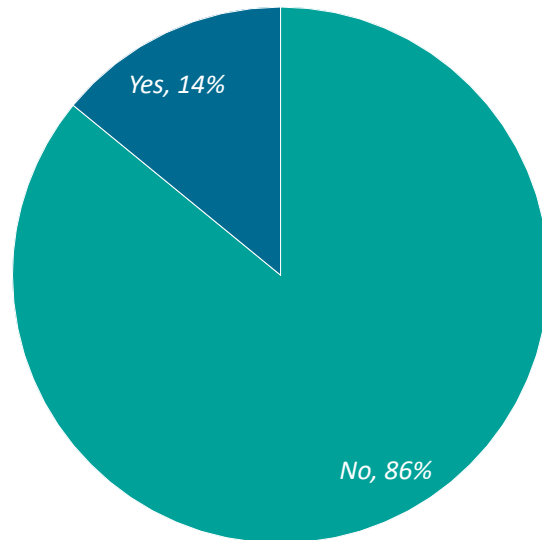
➤ The largest difference in agreement between July and February for positive statements was for “The question wording aligned with standard legal terminology and phrasing I was accustomed to.”



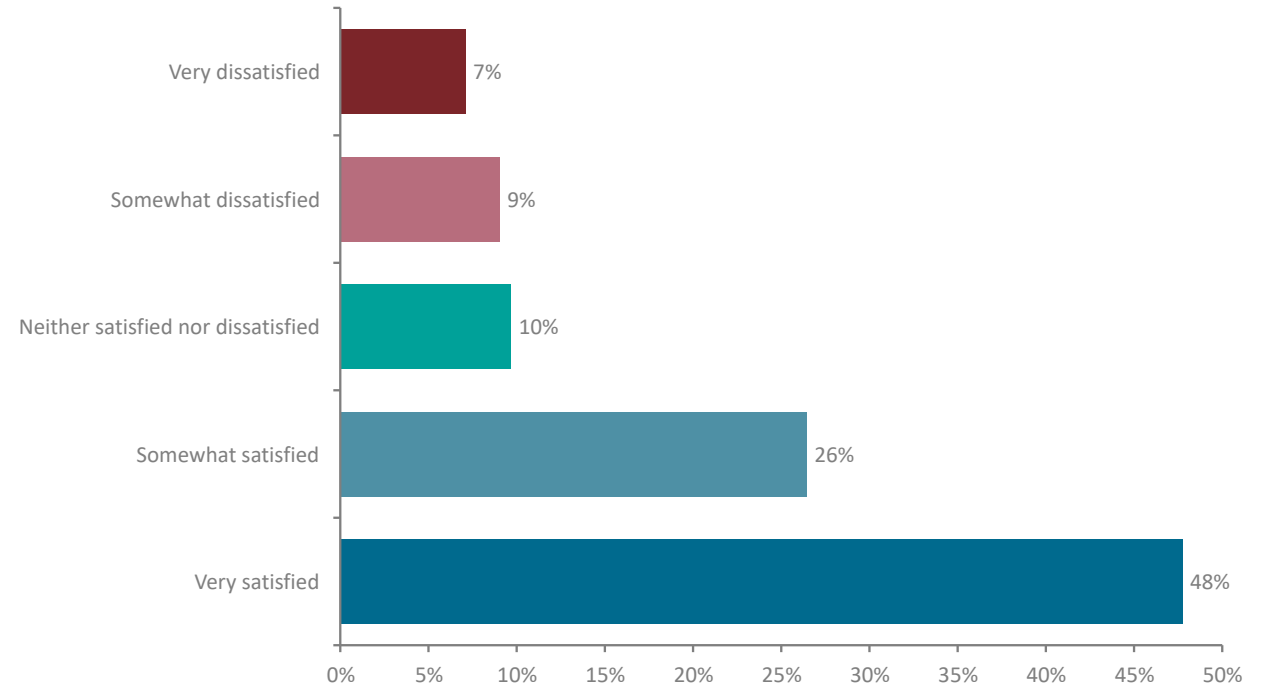
Question: Please rate your agreement with the following statements about the multiple-choice questions.

Testing Accommodations

Did you submit an application requesting any accommodations?



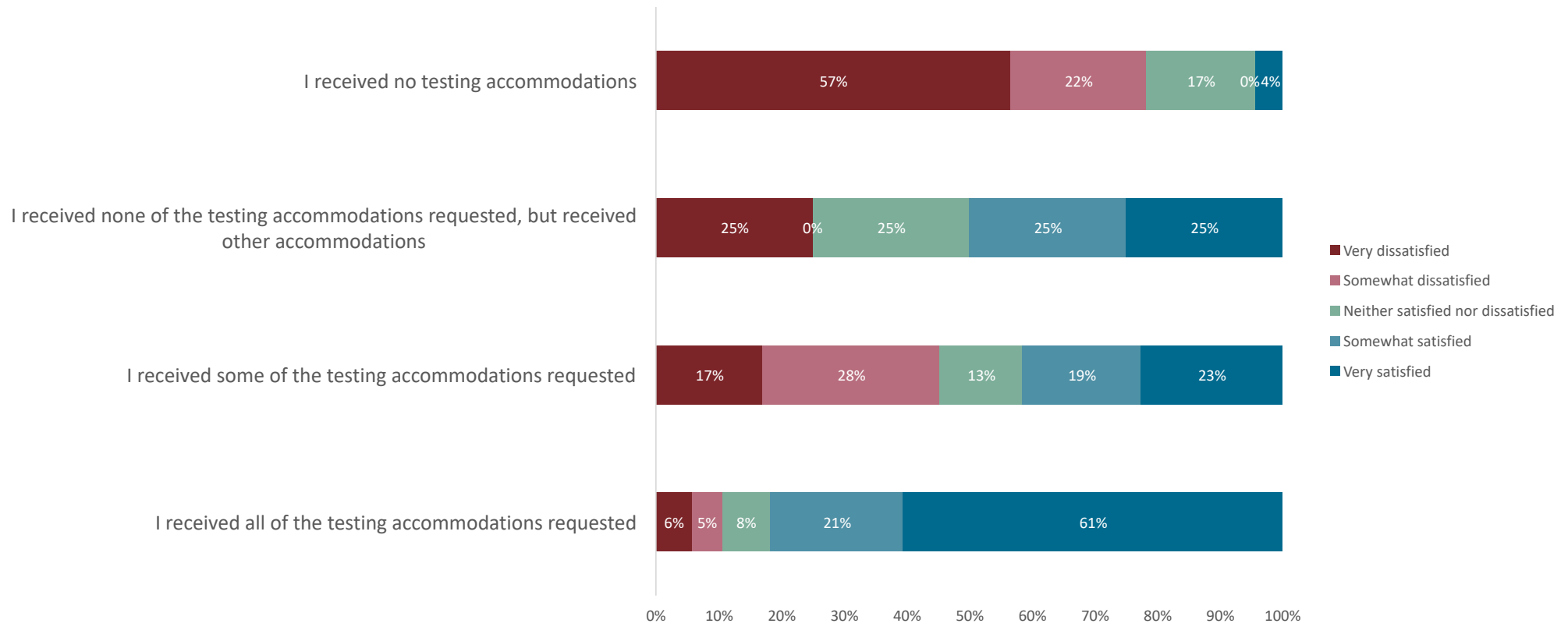
Satisfaction with implementation of testing accommodations



Question: Thinking only about the accommodations you were approved for, describe your level of satisfaction with how the State Bar implemented those accommodations during the exam.

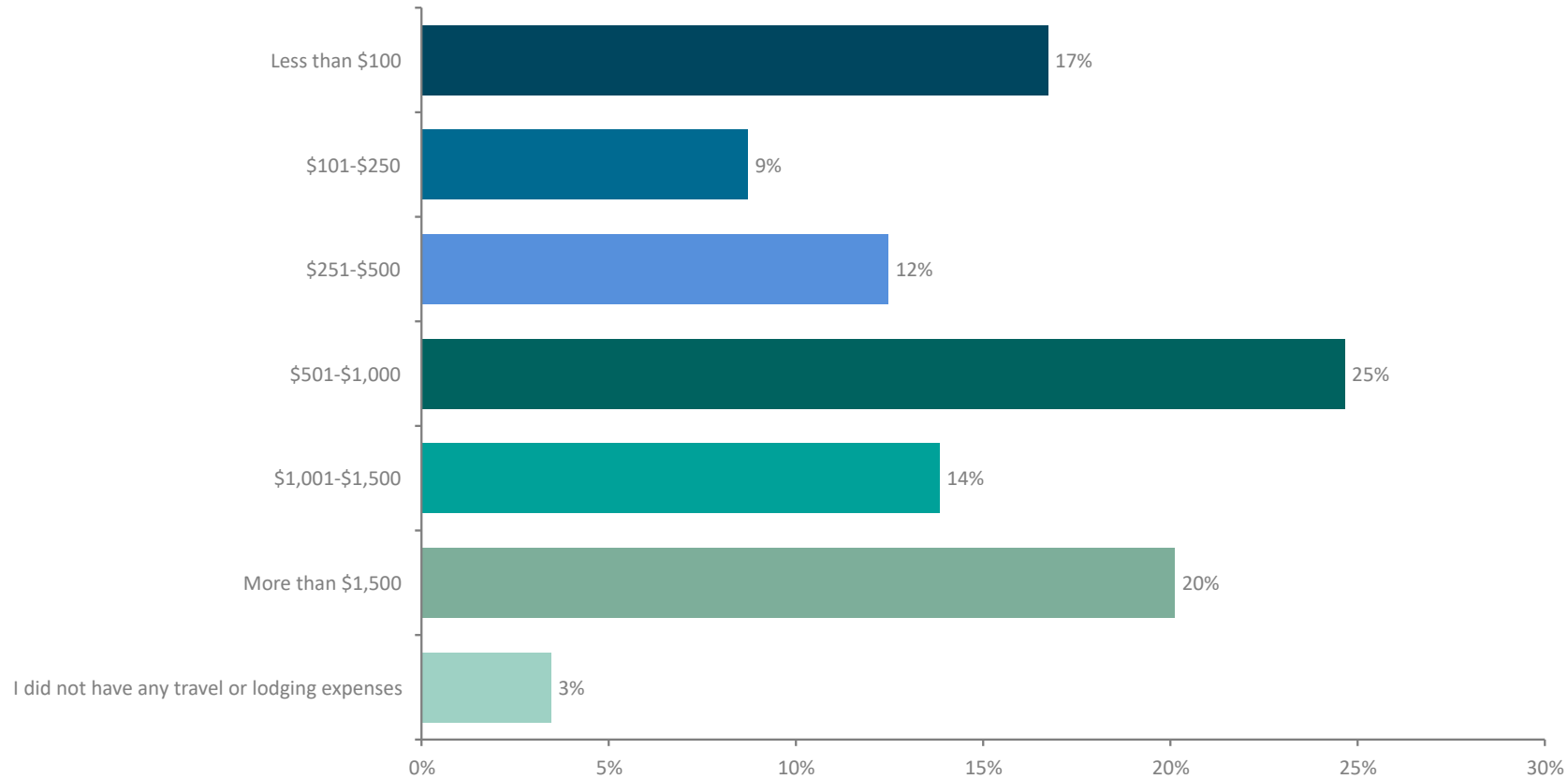


Satisfaction with Accommodations Based on Level of Approval



Question: Thinking only about the accommodations you were approved for, describe your level of satisfaction with how the State Bar implemented those accommodations during the exam.

Cost to Travel



➤ Most test takers (**59%**) spent over \$500 on travel and lodging expenses to attend the exam, with **20%** spending more than \$1,500; only **3%** reported no travel or lodging expenses.

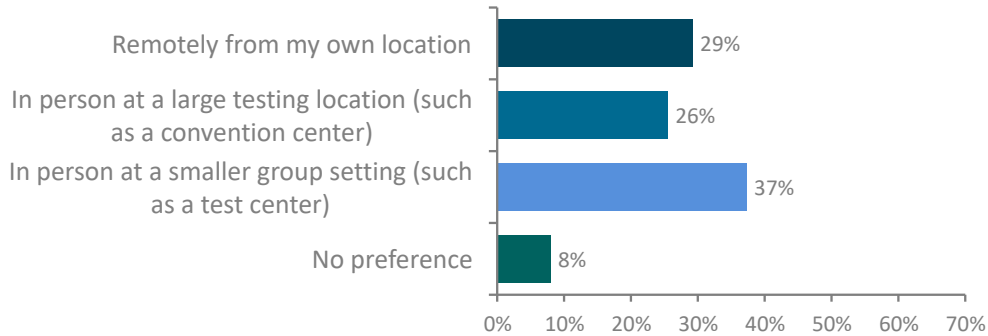
Question: Approximately how much money did you spend on travel and lodging-related expenses to attend the exam? This includes costs for gas, ridesharing, hotels, and any other related expenses.



Exam Modality Preferences

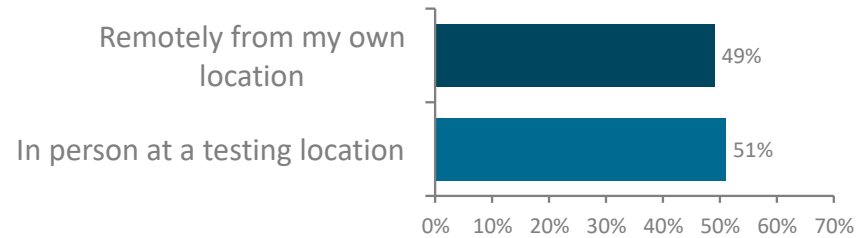
➤ Test takers have switched from wanting a remote exam to wanting an in-person exam, with preference for a small testing center.

July 2025 Exam



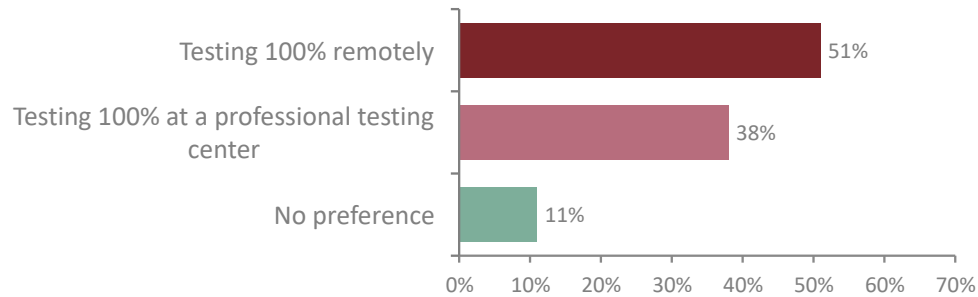
Question: Based on your experience, how would you prefer to take the exam if you were to sit for it again in the future?

February 2025 Exam



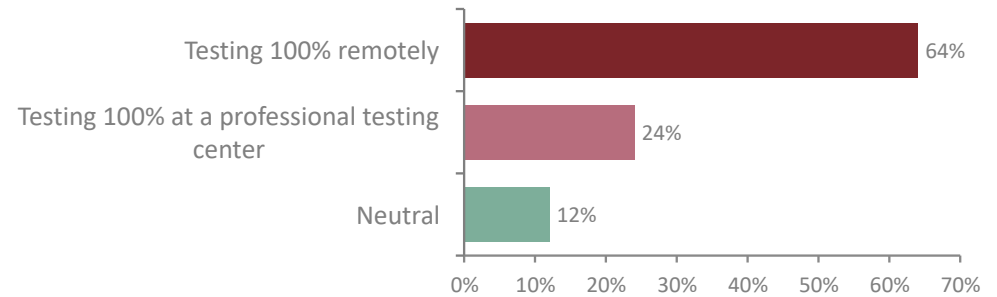
Question: Based on your experience, how would you prefer to take the exam if you were to sit for it again in the future?

July 2024 Exam



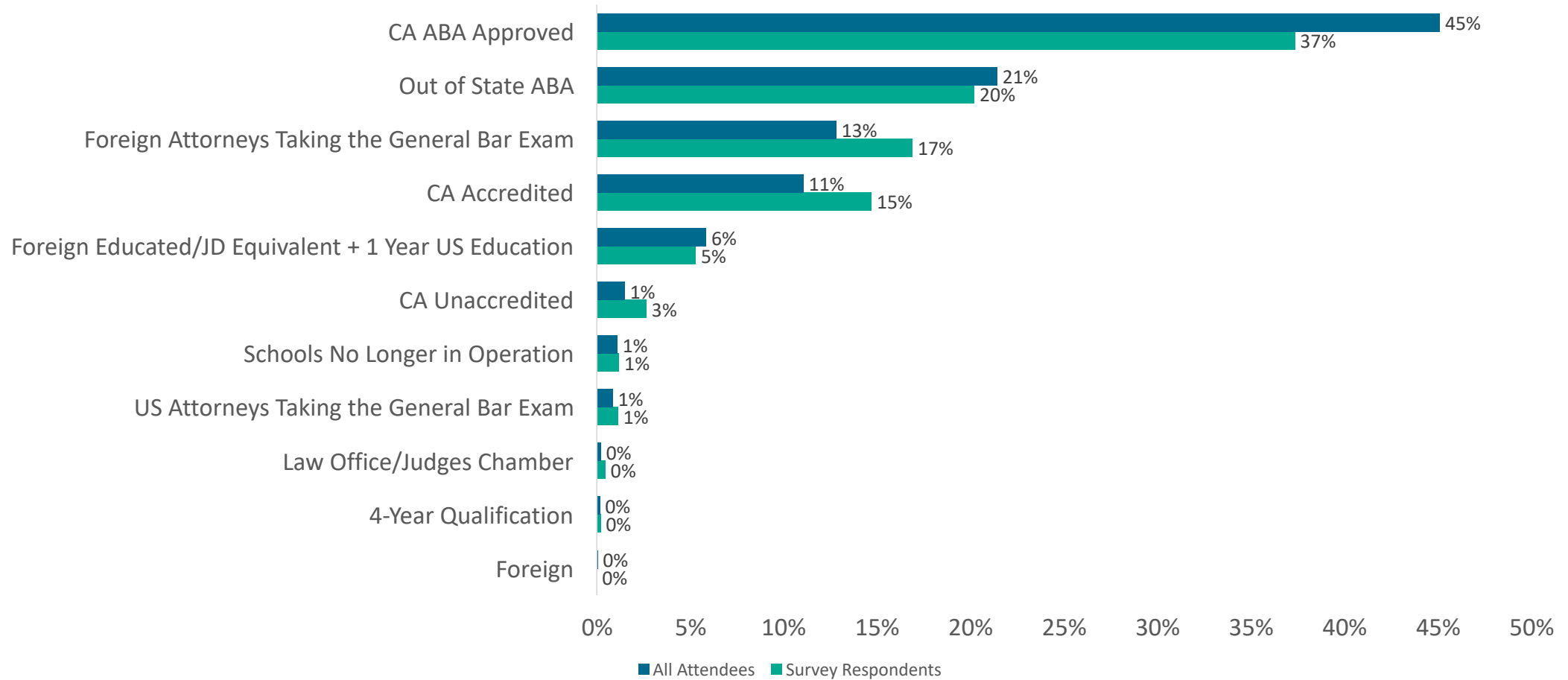
Question: If you had the option to test 100% remotely or 100% at a professional testing center (like at a Prometric test center or at a Pearson Vue), which option would you select?

February 2024 Exam

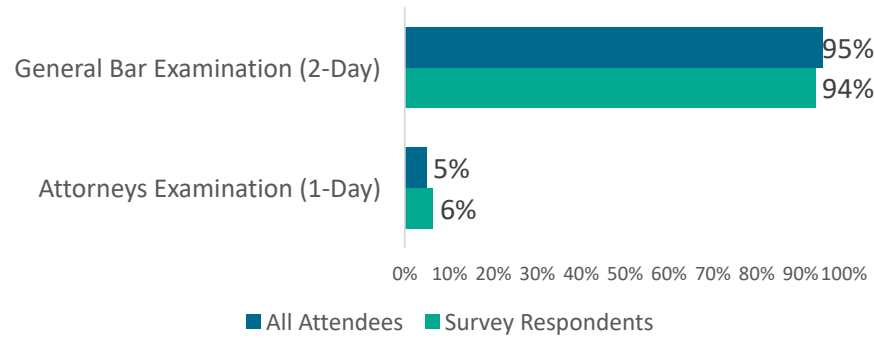
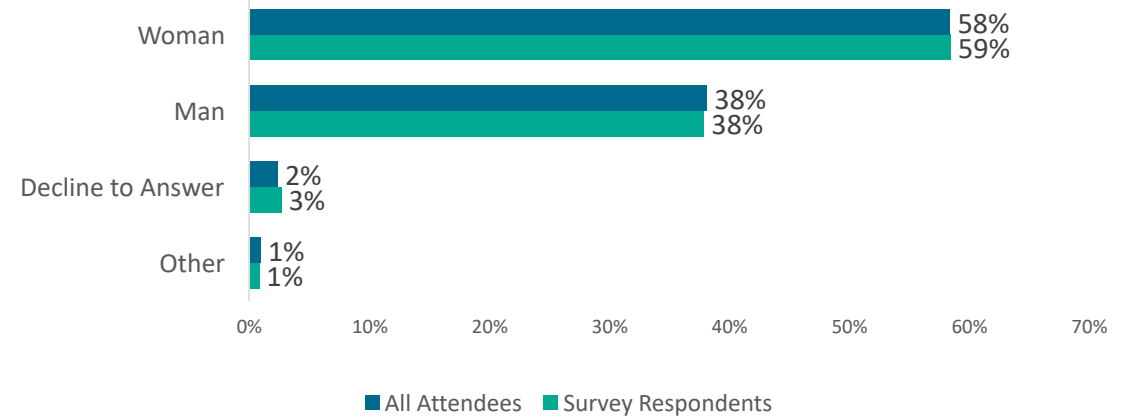
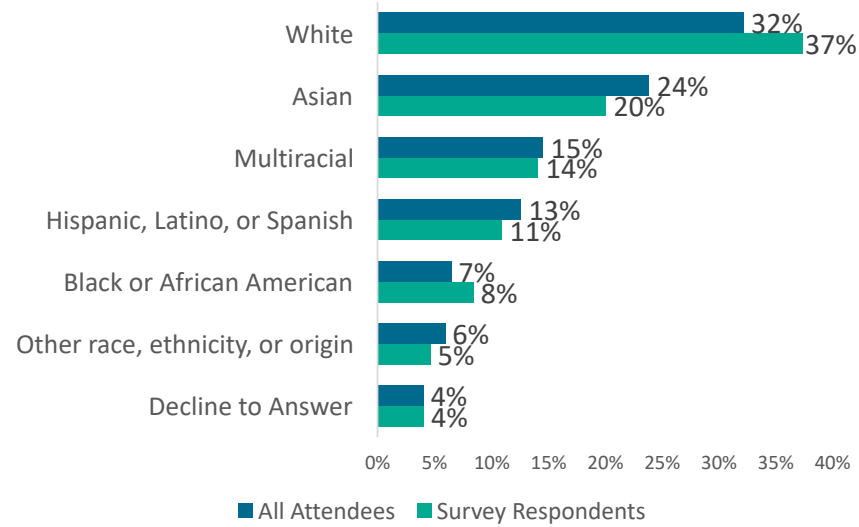


Question: If you had the option to test 100% remotely or 100% at a professional testing center (like at a Prometric test center or at a Pearson Vue), which option would you select?

Demographics



Demographics



February 2025 Lessons Learned



The State Bar of California

Category	Process Improvements
Planning: Time Required to Successfully Implement the Changes Was Underestimated	<p>Involvement of both the Board of Trustees and CBE in selection of vendors for exam administration and development.</p> <p>Creation by CBE of the Subcommittee on Exam Administration and the Subcommittee on Exam Development.</p> <p>Recruitment of experienced staff and consultants for the Office of Admissions.</p> <p>Admissions staff expressly empowered and committed to raise concerns and questions.</p>
Planning: Resources	<p>Restructure of the Office of Admissions</p> <ul style="list-style-type: none"> • Created a Chief of Admissions to ensure appropriate focus at this level of executive staff. • Split the exam administration and exam development functions (had been housed under the leadership of a single Assistant Director). • Recruiting for a Program Director over Exam Administration with experience in exam administration. • Created a new Director of Exam Development position, reporting directly to the Chief of Admissions, moving Exam Development out of Admissions Operations and out of the purview of the current Director of Admissions. Recruiting to fill this position with an individual who has expertise in exam development. • Contracting with 2 consultants who have expertise in exam development and administration to assist.

Category	Process Improvements
Planning: Complexity of Changes and Simultaneous Nature of Implementation	<p>Board and CBE adopted guiding principles related to this issue:</p> <ul style="list-style-type: none"> • If changes are made, phase rollout and move with caution. • Doing it right is more important than doing it fast or doing it cheap. • If changes are made, use proven technology, with appropriate testing and risk minimization. <p>Involvement of both the Board and CBE in selection of vendors for exam administration and development, and CBE’s adoption of a policy on selection of validation panelists.</p> <p>Creation by CBE of the Subcommittee on Exam Administration and the Subcommittee on Exam Development.</p> <p>Recruitment of experienced staff and consultants for the Office of Admissions.</p>
Planning: Business Requirements/Vendor Capabilities	<p>Admissions staff created a preliminary business requirements document related to the July 2025 exam if there was direction to conduct an exam with both remote and in-person components. The document included requirements related to exam dates, testing accommodations, mock exams, in-person test sites, remote administration, platform requirements, hardware, functionality for multiple-choice questions as well as essays and performance test, security, applicant scheduling, customer service, proctors, and re-testing for catastrophic events. A final business requirements document will be finalized by the exam administration consultant.</p> <p>The proposed revisions to Title 9 of the California Rules of Court require the CBE to develop and maintain a rubric for assessing the ability of vendors to administer or proctor the bar exam. A preliminary rubric was created for the review of vendors for the February 2026 exam.</p>

Category	Process Improvements
Contracting: Lack of Competitive Bidding	<p>Although contracts for exam administrations are exempt from the State Bar’s competitive bidding requirements, after the Board approves contracting for the 2026 exams, for future exam delivery, unless inapplicable, an RFP will be issued soliciting vendors who meet the identified business requirements.</p> <p>The CBE’s new exam administration subcommittee will be heavily involved in identifying and reviewing vendors and finalizing the rubric for consideration of proposals. CBE’s involvement in selection of the vendor, with continued Board approval of contracting, will create a backstop to ensure sufficient consideration of all requirements, and the impact of not being able to meet all requirements, occurs.</p>
Contracting: Contract Management & Amendments	<p>Admissions leadership reviewed the existing agreement with Kaplan Exam Services to confirm that all current and anticipated vendor practices comply with the stated terms.</p> <p>Executed a written change order for changes to deliverable dates tied to questions to be delivered in 2025.</p> <p>Further change order in development about the contents of the deliverables.</p>
Contracting: Vendor Management	<p>Set clear expectations with current and future exam delivery and development vendors and Admissions staff that no changes or interpretations to the contract can be made without approval of Chief of Admissions.</p>

Category	Process Improvements
Contracting: Ensure Appropriate CBE and Board Engagement on Contracts of This Magnitude	<p>Revised rule 9.6 of the California Rules of Court, as proposed, specifies CBE’s responsibility for administration of the bar exam, including:</p> <ul style="list-style-type: none"> • Review of bar exam questions before they are administered on a bar exam or released for use in a study guide. • Developing standards for eligibility and selection of panelists and SMEs for content and standard validation panelists and SMEs. • Developing a rubric for assessing vendors to deliver and/or proctor the bar exam with a vendor for development of exam questions. <p>As reflected in the agenda for the September 18–19, 2025, Board meeting, Admissions-related contracts will be separated from other contracts (if there are any Admissions-related contracts of significant import) so they may be discussed, as appropriate.</p>
Content Validation: Complete Development of Comprehensive Process Before Commencing Content Validation	<ul style="list-style-type: none"> • Draft content validation process document, created using information from the Department of Consumer Affairs policy documents, State Bar psychometrician, and other publicly available content validation process documents. • Exam development consultant Statement of Work (SOW) includes requirement to finalize content validation process document. This will allow informed decision-making, and to the extent time or other limitation argues for skipping a step, a memo documenting the decision and rationale to deviate from the process document will be required.
Content Validation: Ensure Appropriate Eligibility Criteria Identified and Communicated to Participants Prior to Selecting Panelists	<p>CBE has adopted a formal policy on the eligibility, selection, and recruitment of content validation panelists, subject matter experts (part of the content validation process), and standard validation panelists. Recruitments for panelists identified the eligibility criteria, which will also be built into the contracts for the panelists. If the revisions to rule 9.6(a)(2) are adopted, this policy will be submitted to the Supreme Court for approval.</p>

Category	Process Improvements
Content Validation: Ensure Appropriate Review Processes and Subject Matter Expertise	<p>The content validation process has been supplemented by an additional layer of subject matter expert (SME) review by faculty and retired California judiciary to weigh in on the legal accuracy of questions and answers. These SMEs were recruited and will be appointed pursuant to procedures described elsewhere in this document. Because the new content validation panels will be more robust, and because we have added an additional layer of review by subject matter experts, all questions, whether newly submitted by Kaplan Exam Services or which previously went through content validation, will be reviewed by the new panels and the subject matter experts.</p>
Content Validation: Ensure Thoughtful and Appropriate Broad Recruitment for Content Validation/Standard Validation Panelists and Subject Matter Experts	<p>To ensure broad participation, changes were made to:</p> <ul style="list-style-type: none"> • Make the content validation panels remote, so it was not skewed to those who could attend for 2 consecutive days in person in Los Angeles. • Provide compensation for the work. <p>Additionally, to ensure a sufficient pool of qualified participants could be identified, outreach of the different opportunities to participate was distributed to:</p> <ul style="list-style-type: none"> • Law school deans throughout the country, asking that they forward the solicitation to faculty and noting that because the MCQs are not testing CA-specific law, out-of-state law school faculty were also welcome to participate (SMEs) • All CA licensed lawyers (Content Validation/Standard Validation Panelist) • Non-CA law faculty, through the American Association of Law Schools (AALS) listserv (SMEs) • Retired judges and justices through the California Judges Association (SMEs)

Category	Process Improvements
Effective Understanding and Tracking of Content Needed for Question Bank to Ensure Sufficient Questions to Meet Content Map Requirements	<p>Admissions staff built a tool to better capture the number of questions in the bank for each topic and subtopic on the published content maps, and the proportion of each to be tested on each exam, to ensure that each question set requested and delivered under the exam development contract builds the bank appropriately.</p>
Transparency and Clear Communication: Timely and Effective Rollout of Changes, with Appropriate Communication Strategy/Ensure Sufficient Engagement with Key Stakeholders with Sufficient Time that Input Can Be Meaningfully Considered	<p>Quarterly meetings with deans of California law schools (ABA-approved, California accredited, and unaccredited) scheduled.</p> <p>Improved communication began with bar exam notices emailed to applicants and posted on the State Bar website following the February 2025 exam to update applicants on recent developments.</p> <p>Identification of staff responsible for developing broad communications (i.e., not communications to individual applicants) to ensure consistency and accuracy.</p> <p>Communication plan as part of rollout of revised content maps, faculty guide, and student guide should the Board direct a return to use of the Kaplan Exam Services–developed multiple-choice questions.</p>

Category	Process Improvements
Transparency and Clear Communication: Transparency on Use of Artificial Intelligence	<p>Repeated instructions to staff about the need to escalate issues.</p> <p>Kaplan Exam Services has confirmed that no questions delivered by them were developed using AI. Additionally, staff has permanently removed all questions created by ACS Ventures using AI from the State Bar’s question banks.</p>
Escalation of Issues	<p>Repeated instructions to staff about the need to escalate issues.</p> <p>Creation of the Chief of Admissions role to ensure more focused oversight of and engagement with the Office of Admissions.</p> <p>Regular communications instituted from Chief of Admissions to CBE members to keep them informed of issues between meetings.</p> <p>Weekly meetings instituted between Chief of Admissions and CBE chair and vice-chair to ensure communication and information sharing on topics of interest.</p> <p>Updates provided to legislative staff, including forwarding of communications to applicants, to keep them apprised on developments.</p> <p>Greater involvement of the Board on Admissions issues. Plan for routine meetings between Chief of Admissions and Board Admissions liaisons to improve regular information sharing.</p> <p>More regular information sharing with the Supreme Court on Admissions issues.</p>

Category	Process Improvements
Project Management	<p>Instituted approach to identify, track, and ensure resolution of outstanding issues.</p> <p>Securing project management training for key Admissions staff.</p> <p>Pattern of daily (or weekly, depending on timing/need) stand-ups with staff and vendor in lead-up to exam to ensure issues are identified and resolved.</p>

February 2026 Bar Exam Status Update



The State Bar of California

February 2026 CBX

- Application set to open October 1
 - ExamSoft software

- Confirmed sites:

Standard	Accommodated
Ontario Convention Center (Greater LA)	Ontario Convention Center (Greater LA)
Chula Vista (San Diego Area)	Hotel Fera (Greater LA)
	Westin LAX
	LA State Bar Office
	Golden Gate University (SF)
	Hilton Arden West (Sac)

- Pending sites: San Mateo Event Center, San Jose Convention Center
- No standard testing site in the Sacramento area at this time



Legislative Update and Development of Cost-Benefit Analysis for Recommendation for Future Bar Exams



Legislation Impacting the Bar Exam



SB 253 (Umberg)

- 18-month notice to transition from MBE
- 2-year notice for remote administration
- 4-month notice for changes to exam delivery platform affecting user experience



SB 47 (Umberg)

- Audit of February 2025 exam admin
 - Procurement of Meazure Learning and Kaplan
 - Administration of the exam (problems, remote, permitted items)
 - Use of AI
 - Costs



AB 484 (Dixon)

Report by November 30, 2026, on whether adopting a uniform bar exam is:

- More efficient
- Lower cost



Key Components of Cost-Benefit Analysis

- (1) Tangible and intangible benefits for the State Bar and examinees
- (2) What goals adopting the selected approach would accomplish and if alternatives could accomplish the same goals
- (3) Technological changes required
- (4) Direct and indirect costs for the State Bar and examinees (including identification of unknown costs and whether new fees would be required)
- (5) Resource implications
- (6) Previous efficacy under similar testing conditions
- (7) If NextGen UBE is more efficient to administer (AB 484 requirement)



Schedule for Discussions of Cost-Benefit Analysis

- October 2025 CBE meeting
 - More in-depth discussion of 3 options presented at August 14, 2025, joint BOT/CBE meeting
 - Discussion of components (1), (2), and (3) for each
- November 2025 BOT meeting
 - Update on the October CBE discussion
- December 2025 CBE meeting
 - Draft of cost-benefit analysis—with components (4) through (7) added—to get input and have CBE identify preliminary recommendation
- January 2026 CBE meeting*
 - Final cost-benefit analysis and staff report reflecting the recommendation
- February 2026 BOT meeting*
 - Presentation of cost-benefit analysis and CBE recommendations for discussion
- March/April 2026 CBE meeting
 - Discussion of revisions to cost-benefit analysis based on BOT input, if needed
- May BOT meeting
 - Final recommendation to Supreme Court adopted



Update on Provisional Licensure Program



PLP for February 2025 First-Time Takers

First-time takers who withdrew from or were unsuccessful on the February 2025 CA Bar Exam were able to apply for the Provision Licensure Program (PLP) starting on September 1, 2025.

- As of Tuesday, September 16:
 - 33 submitted applications, of which 26 have been approved
 - 51 applications launched in the Applicant Portal but not yet completed
- Outreach efforts
 - Webinars and presentations for law schools and other entities
 - Email notifications to CLA, government agencies, and legal services organizations
 - Social media campaign
 - Partnership with the COAF working group to create resources for Provisionally Licensed Lawyers (PLL) and their supervisors



PLP for February 2025 First-Time Takers (continued)

- Dedicated staff email address for concerns, challenges, or feedback from PLLs and their supervisors
 - Staff may:
 - Discuss the PLL's concerns with their supervisor
 - Connect the PLL with resources
 - Direct them to the complaint process and assist as needed
 - Gather data to understand systemic issues



Update: October 2025 First-Year Law Students' Exam (FYLSX)



The State Bar of California

Update: October 2025 FYLSX

- Application closed September 15
- Prometric delivery: primarily in test centers; some remote takers
- Number of registrants: 258



Update: October 2025 Legal Specialist Exam (LSX)



The State Bar of California

Update: October 2025 LSX

- Final filing deadline is October 1 (396 applications received as of September 16).
- Email outreach to all CA licensees (additional outreach by local bar associations and affinity groups).
- First LSX to utilize online testing with live remote proctoring.
 - Prior LSX utilized online testing with record-and-review proctoring (less secure; labor-intensive video review).
- Communication plan to ensure test takers understand the process and technical requirements.



EXHIBIT 13



The State Bar of California

Future Bar Exam Options: Preliminary Description and Analysis

Donna S. Hershkowitz, Chief of Admissions / Legislative Director
Cody Hounanian, Program Director I, Office of Admissions

Committee of Bar Examiners, October 10, 2025



Purpose of Today

- Conversation / Discussion



Backdrop

- Were on a path to development of a new, California bar exam; expressly not adopting NCBE's NextGen.
- Experiences and knowledge gained from February 2025 Bar Exam.
- CBE, BOT, Supreme Court commitment to getting it right.
- Opportunity to apply lessons learned and develop new recommendations
- Are not restricted by parameters of October 2024 Court order.
- August 14, CBE & BOT began discussion of 3 possible options for the next bar exam.





Factors Influencing CBE's Recommendation

- In proposing changes to bar exam requiring substantial modification to the training or preparation required for passage or that substantially modify the method by which the exam is administered, CBE must conduct a **cost-benefit analysis**. (Calif. Rule of Court 9.6(b))

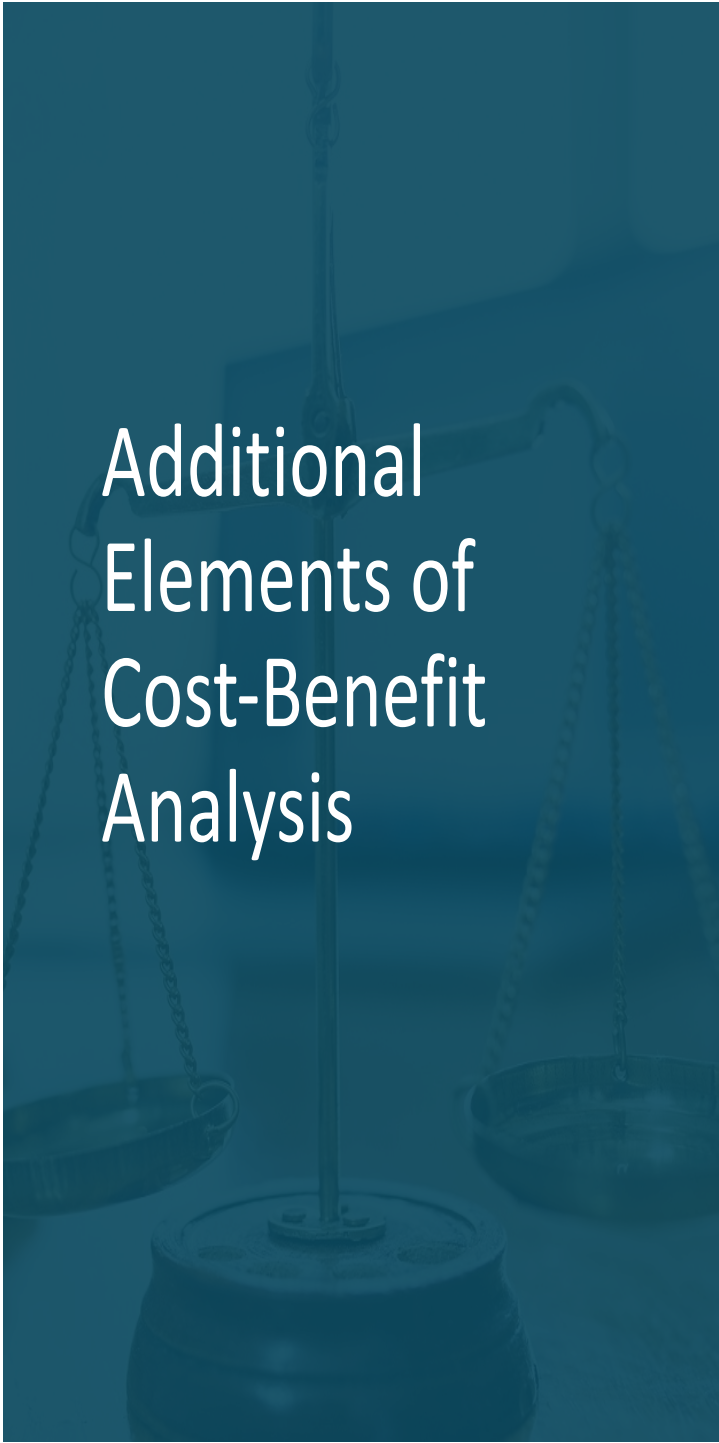


Elements of Cost-Benefit Analysis

Identified for
this initial
conversation

- Tangible and intangible benefits for State Bar and examinees of existing practices compared to proposed changes
- Any other alternative, existing products or services that are feasible to accomplish the same goals and objectives
- Whether any new technological requirements to implement the proposed changes would place undue financial burden on examinees

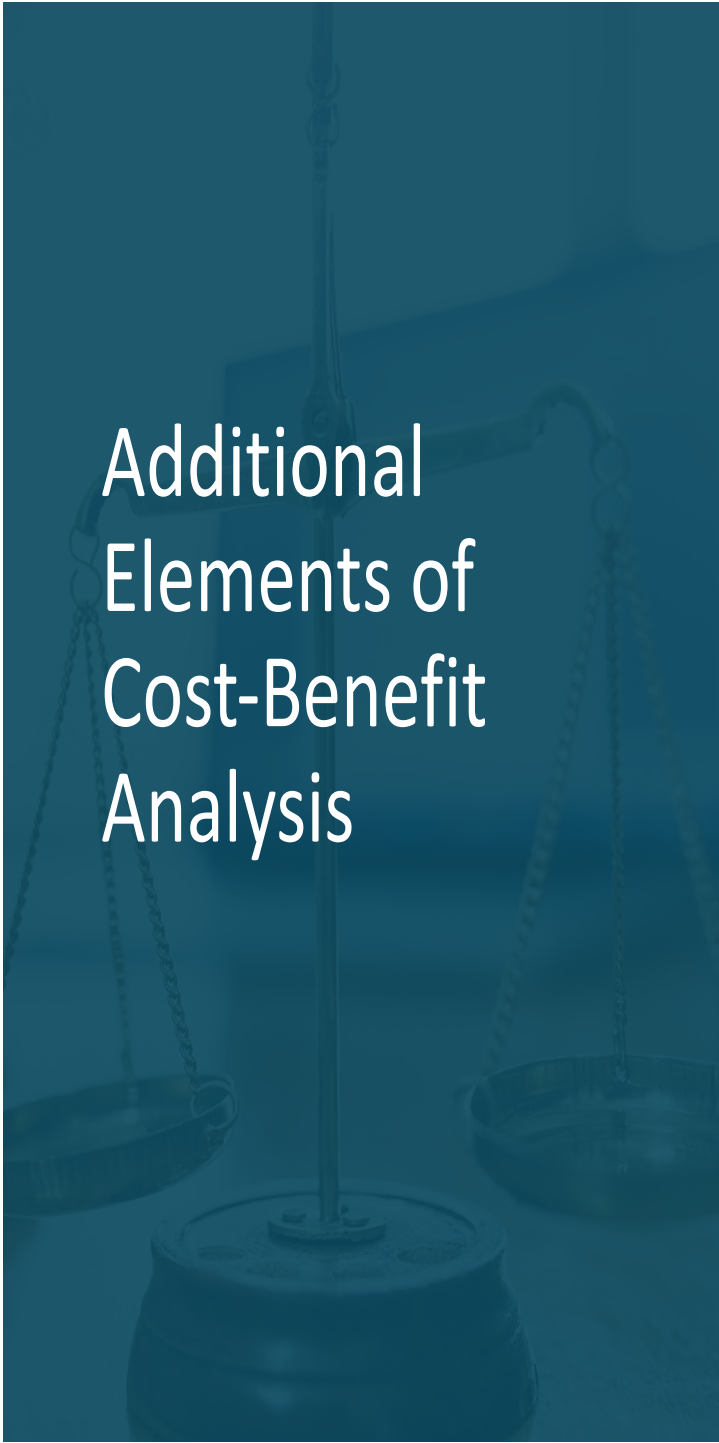




Additional Elements of Cost-Benefit Analysis

- Direct and indirect costs for State Bar and examinees of existing practices compared to proposed changes
- If alternative, existing products or services that accomplish the same goals and objectives do so at a comparable or lower cost
- Whether any new fees to implement the proposed changes would place undue burden on examinees





Additional Elements of Cost-Benefit Analysis

- Estimated number of staff necessary to implement the proposed changes
- Estimated timeframe required to competently implement the proposed changes
- Whether the proposed changes have previously demonstrated their efficacy under similar testing conditions

If adopting NextGen UBE would be more efficient to administer and lower the costs to State Bar and examinees

Three Options Highlighted for CBE Consideration



Option 1: “New Exam”

- Road we had been pursuing
- Using Kaplan-developed MCQs as a bridge from July 2028 until new exam is ready



Option 2: NCBE NextGen UBE

- Deployment date of July 2028



Option 3: “Streamlined Exam”

- Based on the Nevada Plan; potential to launch in July 2028



New Exam

At a Glance

- Development of a new exam testing California law and legal theories and principles of general application.
- Significantly increased focus on assessment of skills and application of knowledge, de-emphasizing memorization of doctrinal law.
- Exam must be fair, equitable and minimize impacts based on race, gender, ethnicity, disability, and other immutable characteristics.
- Must test for minimum competence in California.
- Consider test design that allows independent scoreable parts and retaking only unsuccessful section.



New Exam

Two-Phased Process

- 5 or more-year development effort
- Between July 2028 and launch of the new exam
 - California-developed MCQs (Kaplan), subject to improved content validation processes
 - California-developed Essays & PT
 - Combination of questions currently in the item bank and Kaplan questions, subject to improved content validation processes



NextGen UBE

At a Glance

- 1.5 Day Exam
- Testing “foundational lawyering skills” with fundamental legal concepts and principles used in the practice of law today.
- Reduced emphasis on memorization
- Administered at in-person jurisdiction run sites
- No handwriting option except as an accommodation
- Opportunity for California specific component at the end of 2nd day
- Test platform supports assistive technologies and custom formats
- Allows for portability (45 jurisdictions adopted)



NextGen UBE

At a Glance

- 3 3-hour sections, each containing
 - 40 stand alone multiple-choice questions
 - Two integrated question sets (either medium length answers or combination of multiple choice & short answer)
 - One performance test (either one longer written response or combination of multiple-choice, short answer, and one medium length written response).



Comparison Table: Doctrinal Law

New Exam (as originally directed by Supreme Court)	NextGen UBE
Civil Procedure	Civil Procedure
Constitutional Law	Constitutional Law
Contracts	Contracts
Criminal Law and Proc.	Criminal Law & Constitutional Protections
Evidence	Evidence
Real Property	Real Property
Torts	Torts
Family Law	Family Law (starting 7/28)
Admin Law and Procedure	Business Associations
Employment Law	
Estate Planning, Trusts & Probate	
Professional Responsibility	



Comparison Table: Skills & Abilities

New Exam (as originally directed by Supreme Court)	NextGen UBE
Legal Drafting & Writing	Legal Writing
Research & Investigation	Legal Research
	Investigation & Evaluation
Issue Spotting & Fact Gathering	Issue Spotting & Analysis
Counseling & Advising	Client Counseling & Advising
Communication & Client Relationship	Client Relationship & Management
Negotiation & Dispute Resolution	Negotiation & Dispute Resolution
Litigation Skills	



Nevada Plan

At a Glance

- Foundational Law Examination (MCQs)
 - Offered four times per year
 - Taken as early as 1.5 years into law school
- Lawyering Performance Evaluation (PTs)
 - Offered twice per year
 - Completed after law school
- Supervised Practice Requirement (lawyering tasks and self-directed tasks)
 - 40-60 hours of lawyering tasks
 - Out-of-state attorney applicants only required to complete self-directed tasks



Streamlined Exam – Possible Design



Reduced number of MCQs
(total determined by number of tested subjects)



Two or three Performance Test questions
(same length as current 90-minute PTs, shorter, or longer)



Elimination of essays
(essays measure similar competencies as MCQs)



CBE/BOT may consider a different
combination of or additional components
(supervised practice requirement, simulations, etc.)



Highlights of Cost-Benefit Analysis

Applicants

- Familiar question types and exam design
- Remote and/or test center testing; meeting applicant preferences
- Real-world or simulated practice experience*
- Ability to sit for exam more often*
- Focus preparation on one exam at a time*

State Bar

- Focus on practical skills and California-specific law
- Simpler exam development process than Option 1
- Decades of experience developing PTs; improved process for validating MCQ
- Flexibility in administration methods and timing
- Real-world/simulated practice assessment to test minimum competence*

* Benefits that are possible depending on future decisions related to administration and grading approaches adopted.



Next Steps



Engagement with key stakeholders

- survey of law school deans



Further research & analysis into each option

- including in response to CBE discussion



- 1st draft of cost-benefit analysis: December
 - With some but not all required components
- 2nd draft: January
- Final to CBE: March/April
- To Board: May





The State Bar *of California*

OPEN SESSION

AGENDA ITEM

4.2 OCTOBER 2025

COMMITTEE OF BAR EXAMINERS

DATE: October 10, 2025

TO: Members, Committee of Bar Examiners

FROM: Donna S. Hershkowitz, Chief of Admissions / Legislative Director
Cody Hounanian, Program Director I, Office of Admissions

SUBJECT: Initial Discussion and Action, if Appropriate, on Select Components of the Cost-Benefit Analysis and Report Required Under California Rules of Court, Rule 9.6(b) and AB 484 (Dixon)

EXECUTIVE SUMMARY

In light of the challenges experienced and criticisms received with both the content and administration of the February 2025 California Bar Examination, the Committee of Bar Examiners (CBE), the Board of Trustees (Board), and the California Supreme Court are revisiting the analysis of what type of bar exam should be administered in July 2028 and beyond. The CBE is tasked with developing a recommendation to the Board about the future bar exam to help shape and inform the Board's recommendation to the Supreme Court and the Court's ultimate decision. To assist the CBE in arriving at that recommendation, staff will be presenting, over time, a cost-benefit analysis meeting the requirements of rule 9.6(b) of the California Rules of Court as well as AB 484 (Dixon), Ch. 155, Stats. of 2025, both described in detail in the discussion section below. This staff report builds upon the introduction of three options for consideration that were presented to the CBE and the Board at their joint meeting on August 14, 2025. In addition to more comprehensive descriptions of the three options, this staff report includes preliminary analyses of three components of the required cost-benefit analysis. This is the first of several conversations planned with the CBE and the Board on this topic, with the planned culmination of these conversations in May 2026, when the final recommendation to the Supreme Court will be decided. This report is intended to begin the conversation with the CBE to assist in the development of the cost-benefit analysis and CBE's final recommendation.

RECOMMENDED ACTION

Informational item only.

DISCUSSION

On October 10, 2024, the Supreme Court largely [adopted](#) the May 2023 recommendation of the Joint State Bar / Supreme Court Blue Ribbon Commission on the Future of the California Bar Exam (BRC). Specifically, the Supreme Court directed that, in lieu of adopting the National Conference of Bar Examiners' (NCBE's) NextGen Uniform Bar Examination (NextGen UBE), the State Bar would develop its own bar exam, covering legal theories and principles of general application, including law applicable throughout the United States and California.¹ Meanwhile, in summer and fall 2024, the State Bar was negotiating with vendors to begin separating its exam from the NCBE – specifically ending the State Bar's reliance on the Multistate Bar Exam (MBE), the 200-question multiple-choice section of the exam that California had used since 1972. Contracts with Kaplan Exam Services for the development of our own multiple-choice questions, and with ProctorU, dba Meazure Learning, allowed the State Bar to administer the February 2025 bar exam remotely and in small test centers, using our own multiple-choice questions. As the CBE is aware, February 2025 bar exam test takers faced widespread technological challenges with regard to both modalities – remote and in-person at small test centers. In addition, the State Bar received criticism about the quality and scope of the multiple-choice questions.

As a result, for July 2025, the Supreme Court directed that the State Bar return to the use of the MBE, which also required a return to a fully in-person test administration at jurisdiction-operated test sites (i.e., convention centers, arenas, hotels, and similar venues). In addition, SB 253 (Umberg), Ch. 405, Stats. of 2025, prohibits the return to multiple-choice questions developed by a vendor other than the NCBE without 18-months' notice and prohibits administering the exam remotely without 2-years' notice.

At the same time these changes were happening, the CBE and the Board of Trustees concluded that they could not simply proceed as planned; consideration needed to be given once again to a recommendation for a future bar exam.

On September 25, 2025, the Supreme Court [adopted](#) a package of revisions to Title 9 of the California Rules of Court² addressing roles and responsibilities of the CBE, the Board, and the Court with regard to Admissions-related matters in general, but heavily focused on the bar exam. Rule 9.6(b) provides a roadmap for the CBE's and the Board's consideration of options for the future bar exam. Specifically, rule 9.6(b) provides that “[a]ny 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, CBE must conduct and submit a cost-benefit analysis to assess, if relevant:

- (1) The direct and indirect costs and 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 requirement or new fees to implement the proposed

¹ More information about this exam option is described below.

² All further rule references are to these rules unless otherwise specified.

- 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.”

AB 484 (Dixon), Ch. 155, Stats. of 2025, adds section 6046.2 to the Business and Professions Code to 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. Staff believe the cost-benefit analysis required by rule 9.6(b) will address the requirements of this statute.

There is a confluence of circumstances that together dictate that the Board act on a recommendation from the CBE and adopt a recommendation for the future bar exam no later than the Board’s May 2026 meeting. The events requiring action by this date include:

- The MBE will no longer be offered as a standalone product after the February 2028 bar exam. As a result, the State Bar must offer a different bar exam by July 2028 than it administers currently.
- The provisions of Business and Professions Code section 6046.6 mandate two-years’ notice if altering the bar exam in a manner that requires the substantial modification of the training or preparation required for passage of the exam.
- The notice requirements of SB 253 (Umberg).
- The Supreme Court must be given adequate time to respond to the State Bar’s recommendation.

Discussion commenced about three future bar exam options at the August 14, 2025, joint meeting of the CBE and the Board. The discussion and the [staff report](#) that introduced it included a high-level analysis of three options, how each [aligned with the guiding principles](#) that had been adopted by the Board in May of this year,⁵ and some [pros and cons](#) for each option.

This staff report goes into more depth with respect to each of the three options, and preliminarily responds to three of the required elements of the cost-benefit analysis, specifically:

- (1) The tangible and intangible benefits for the State Bar and examinees of existing practices compared to the proposed changes (rule 9.6(b)(1));⁶
- (2) Any other alternative, existing products or services that are feasible to accomplish the same goals and objectives as the proposed changes for the State Bar and the examinees

⁵ The CBE adopted the same guiding principles at that August meeting, but added the following principle: avoid locking the State Bar into long term vendor contracts so as to provide flexibility in licensing innovation.

⁶ Staff is not yet prepared to address the other part of rule 9.6(b)(1), i.e., the direct and indirect costs of existing practices compared to the proposed changes. This component will be addressed with later drafts of the cost-benefit analysis.

- (rule 9.6(b)(2));⁹ and
- (3) Whether any new technological requirements for implementing the proposed changes would place an undue financial burden on examinees (rule 9.6(b)(3)).¹⁰

DESCRIPTION OF THREE OPTIONS FOR THE FUTURE BAR EXAM

Option 1: New California-Specific Bar Exam / Use of Kaplan Questions During the Multiyear Development Effort (New Exam)

Composition of the New Exam

The new bar exam recommended by the BRC, as modified by the Supreme Court, would encompass the following 12 subject areas and 7 skills and abilities.

Subject Matter	Skills and Abilities
Administrative Law and Procedure	Drafting and writing
Civil Procedure	Research and investigation
Constitutional Law	Issue-spotting and fact-gathering
Contracts	Counsel/advice
Criminal Law and Procedure	Litigation
Employment Law	Communication and Client Relationship
Estate Planning, Trusts, and Probate	Negotiation and Dispute Resolution
Evidence	
Family Law	
Professional Responsibility	
Real Property	
Torts	

The Supreme Court adopted the following guidance / directives in relation to how the exam would test these areas:

- The California-developed bar exam will continue to cover legal theories and principles of general application, which would include law applicable throughout the United States and California law.
- In considering the feasibility of testing some of the skills, such as client interviewing and negotiation, the State Bar 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.
- 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

⁹ Staff is not yet prepared to address the other part of rule 9.6(b)(2), i.e., whether the alternative existing products or services are available at a lower cost. This component will be addressed with later drafter for the cost-benefit analysis.

¹⁰ Staff is not yet prepared to address the other part of rule 9.6(b)(3), i.e., whether new fees would impose an undue burden. This component will be addressed with later drafts of the cost-benefit analysis.

development of the exam.

- There should be 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.
- The design of the exam shall be consistent with the guiding principles adopted by the BRC, 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 disparities, 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 exam.

The BRC did not believe it had the necessary information or was in a position to recommend specifics on exam and question design. The BRC wanted to ensure that if California were to develop its own exam, the exam format and question design would avoid potential discriminatory bias, meet universal design standards, result in an exam that is fair, equitable, and free of bias, while ensuring compliance with the Standards for Educational and Psychological Testing. The BRC also did not feel it was in a position to recommend adoption of proposals for how the exam would be administered (e.g., remote versus in-person testing and open- versus closed-book formats).

Bridge to the New Exam

State Bar staff previously estimated this to be a five-year development effort. This may be an accurate assessment, or it may be overly ambitious. Further analysis and an exploration of best practices will assist staff in determining if that recommendation needs to be fine-tuned.¹³

While the new exam is underdevelopment, and until such time as it is ready to be administered, Option 1 proposes to return to the multiple-choice questions developed by Kaplan Exam Services, and continue the administration of California essays and performance tests (some of which will also be developed under contract with Kaplan Exam Services, some of which are already in our item bank). For purposes of this report, the exam deployed while the new exam is under development is referred to as the “Bridge Exam.”

Process Improvements to Bridge Exam

To address criticisms of the multiple-choice questions, the following changes have been or will be made:

- The content map will be updated to eliminate 19 areas.
- A new policy has been adopted by the CBE, which will be transmitted to the Supreme Court for approval, for the eligibility, recruitment, and selection of content validation and standard validation panelists. After a broad recruitment, upon approval by the Supreme Court of the policy, staff will make initial recommendations to the CBE Chair, and the Chair will make the final selection of the panelists.
- An additional layer of subject matter expert review has been added to the content

¹³ Very preliminary conversations with consultants with expertise in exam development suggest this timeline is likely longer than 5 years.

validation process. A policy has been adopted by CBE, which will also be transmitted to the Supreme Court for approval, for the eligibility, recruitment, and selection of subject matter experts, with the CBE Chair making the final selection of subject matter experts.

- A comprehensive exam development framework will be adopted, taking into consideration industry best practices, to set forth with specificity the content validation processes to be followed with regard to the questions developed under contract with Kaplan Exam Services.
- The content validation panelists and subject matter experts will review all Kaplan-developed questions that are already in the item bank, in addition to new questions that are developed.
- The content validation panelists and subject matter experts will review the student guide and faculty guide prior to publication.
- 25 additional questions will be included in the student guide.

Under the contract with for new multiple-choice questions, 565 Kaplan-created questions were delivered prior to July 2025; another 200 multiple-choice questions were delivered in September/October 2025; an additional 150-200 questions will be delivered every January and August through and including January 2029. 78 essays and 6 performance tests that will be delivered by January 2026, and 26 essays and 2 performance tests will be delivered every January and August, starting with August 2026 and running through January 2029. The Kaplan-developed essays and performance tests will supplement the existing essay and performance test bank, and could provide flexibility to offer the bar exam more than two times per year or over a discrete window of time at small test centers, pending the launch of the new exam.

Option 2: NCBE's NextGen UBE (NextGen)

For several years, the NCBE¹⁵ has been developing a replacement for the MBE and UBE,¹⁶ 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, and torts.
- Foundational lawyering skills: legal research, legal writing, issue spotting and analysis,

¹⁵ 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."

¹⁶ 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.

investigation and evaluation, client counseling and advising, negotiation and dispute resolution, client relationship and management.

“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.”¹⁹ Family law will be added to the foundational concepts and principles being tested effective with the July 2028 administration.

As of October 6, 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,²⁰ 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 (but may be answered in any order selected by the applicant, and they may allot their time as they deem appropriate):

- 40 standalone multiple-choice questions
 - Either select one response from four options or two responses from six options (with partial credit available for questions requesting 2 responses)
 - Questions are independent from each other; the answer for any one does not rely on information from any other question
 - 49 percent of the overall score
 - Estimated time required: 1.8 minutes per question or 72 minutes for each three-hour session;

¹⁹ See <https://www.ncbex.org/exams/nextgen/content-scope>, last visited August 7, 2025.

²⁰ 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.

- Two integrated question sets
 - Based on a common fact scenario, an integrated question set may appear in one of two formats
 - Drafting sets contain medium-answer questions
 - Counseling sets contain multiple-choice and short-answer questions
 - Require examinees to demonstrate their ability to use the foundational skills in realistic situations, completing tasks that a beginning lawyer should be able to accomplish
 - May feature areas of doctrinal law, with accompanying legal resources
 - Partial credit available for short- and medium-answer responses and for select-two multiple-choice questions
 - 21 percent of the overall score
 - Estimated time required: 24 minutes per question set or 48 minutes for each three-hour session);
- One performance task
 - May appear in one of two formats
 - Standard performance tasks focus on a single, longer writing assignment
 - Legal research performance tasks include several multiple-choice and short-answer questions, followed by a medium-answer writing assignment
 - Require examinees to demonstrate their ability in foundational skills in realistic situations, completing tasks that a beginning lawyer should be able to accomplish
 - Legal resources, in the form of a case file and library, are provided
 - Partial credit available for short-, medium-, and longer-answer responses and for select-two multiple-choice questions
 - 30 percent of the overall score
 - Estimated time required: 60 minutes for each 3-hour session

The following resources from summer 2025 are suggested to help CBE members get a more comprehensive understanding of the exam, its content, and administration:

[NextGen 101 Slide Deck](#)
[NextGen UBE Blueprint](#)
[Content Scope Outline](#)
[NextGen Sample Questions](#)
[Examinees Guide to the NextGen Exam](#)

Option 3: Streamlined Exam Development: Multiple-choice Questions and Performance Tests (Streamlined Exam)

On August 14, staff included in the conversation a more streamlined development effort, one that might not require a bridge exam but has the possibility of being launched in July 2028.²³ This streamlined exam option drew upon the Comprehensive Licensing Examination, commonly

²³ Very preliminary conversations with experts in exam development suggest this may be too ambitious a timeline, and may require the bridge exam for a period of time before we are ready to administer this streamlined exam.

referred to as the [Nevada Plan](#), that was approved by the Nevada Supreme Court on May 23, 2025. This exam structure is planned to launch in February 2027, replacing Nevada's current bar exam and licensing structure.

The Nevada Plan includes three main components:

Foundational Law Examination: A 100-question, closed-book multiple-choice test covering the seven legal subjects covered by the MBE: civil procedure, constitutional law, contracts, criminal law and procedure, evidence, real property, and torts. This exam will be offered four times per year in February, May, August, and late October or early November. Just like the Multistate Professional Responsibility Exam (MPRE), this test will be offered at small, vendor-owned testing centers nationwide. This portion of the exam can be taken once a student has completed 42 credits, or 1.5 years, of law school.

Lawyering Performance Evaluation: A one-day exam comprised of three two-hour performance tests. Similar to California's performance test, Nevada's requires applicants to complete real lawyering tasks, such as drafting memos or briefs, based on a file of documents that reflect those commonly encountered in legal practice, like emails and transcripts. As such, performance tests assess practical skills and lawyering competencies, such as issue spotting, legal analysis, and legal writing, better than traditional essays. Nevada's performance test covers fundamental legal principles and state-specific law. This exam will be administered twice a year, in January and June, at larger sites rented by the State Bar of Nevada.

Supervised Practice Requirement: A period (40 to 60 hours) of supervised, hands-on legal work completed through externships and clinical programs during law school or supervised practice after law school. Nevada estimates that 140 in-state and several dozen out-of-state students would be able to complete this requirement while in school, while 116 out-of-state students would require placement with a supervising attorney after law school. In order to complete this requirement, an applicant must complete at least four of the following lawyering tasks not easily tested by either multiple-choice or performance test questions:

- Interviewing or counseling a client;
- Discussing client's needs;
- Preparing a strategic approach to achieving a client's needs;
- Conducting legal research;
- Drafting correspondences;
- Preparing documents for the client's matter or to be filed or submitted on their behalf;
- Negotiating; arbitrating, or mediating; and
- Appearing in court or before an administrative body.

The Supervised Practice Requirement also includes a series of self-directed tasks, which candidates complete through engagement with their supervising attorney, discussions with other legal professionals, independent research, and reflective journaling. These tasks address key topics such as community engagement, professional development, civility and legal ethics, law office management, and attorney wellness. Attorneys who have practiced law outside of Nevada for more than six months are only required to complete the self-directed tasks.

To ensure reliable scoring of the Supervised Practice Requirement, Nevada will develop standardized rubrics and provide training for supervisors and graders. A certification and reporting system will be established to connect supervising attorneys with necessary resources and to facilitate performance evaluations submitted to the State Bar of Nevada. The program is not yet operationalized, but sample rubrics from other similar programs were [submitted](#) to the Nevada Supreme Court.

To obtain licensure, applicants must pass all three of the components.

The following resources are suggested to help CBE members get a more comprehensive understanding of the Nevada Plan, its content and administration:

[April 2024 Memo to Nevada Supreme Court regarding the Nevada Comprehensive Licensing Exam proposal](#)
[March 2025 Implementation Plan to Nevada Supreme Court.](#)

Option 3, described as the “Streamlined Exam” in this report, replicates the Nevada Plan and, in doing so, could offer the State Bar flexible exam administration approaches and emphasize assessment of practical skills. It could also include additional components that integrate real-world or simulated experiential learning. A summary of the benefits for applicants and the State Bar is shown in Attachment A.

The Streamlined Exam envisions a smaller exam development effort than Option 1, the Bridge Exam, using materials already developed or currently in development. It also represents a streamlined version of the exam that is currently tested in California, eliminating the essay questions. Option 3 could include the following:

- (1) A reduced number of multiple-choice questions compared to the current exam (the number of multiple-choice questions needed is based on the number of subject areas tested; if all 12 subject areas directed by the Supreme Court are expected to be tested in the multiple-choice questions, 120 questions would likely be the minimum number to have sufficient coverage of all topic areas).²⁵
- (2) Two or three performance test questions, an increase from one currently used in each exam. Performance test questions are currently 90 minutes long, but under this plan, they could be designed to be longer (as is the case with the Nevada Plan) or shorter (as is the case with the NextGen UBE).
- (3) Elimination of the five, one-hour essay questions.

According to the State Bar’s psychometrician, Dr. Chad Buckendahl, this combination of multiple-choice and performance test formats provides an efficient and balanced approach to assessing minimum competence. Under this model, the multiple-choice questions serve to assess test takers’ broad range of legal knowledge across subject areas, and the performance test questions would provide a more comprehensive evaluation of test takers’ practical skills.

²⁵ Note that in addition to recommending Option 1, 2, or 3, or some other bar exam model, CBE will need to include some recommendations the make-up of the exam to provide the appropriate notice - such as the subjects to be tested, if the exam is open-book or closed book – if the exam were to be expected to be deployed in July 2028.

Dr. Buckendahl further noted that performance tests are a more valid indicator of readiness for practice than traditional essays because they more closely replicate the analytical and writing tasks lawyers perform in real work settings. Dr. Buckendahl noted that if the exam is not bifurcated (with each section being tested and scored independently), two performance tests rather than three would be appropriate. By combining the multiple-choice questions and the performance tests, there would be a sufficient number of scoreable components on the exam.

The CBE and the Board may also determine that Option 3 should include a different combination of components or additional elements. These could include, for example, a supervised practice requirement, like the Nevada Plan, or an in-person assessment of practical skills, as was piloted during the 1980 Assessment Center special session carried out by the State Bar. In making this determination, the CBE and the Board may consider the State Bar's experience administering similar programs, such as the Provisional Licensure Program (PLP), and the uniquely large number of individuals seeking licensure in California each year.

Alternatively, the State Bar could develop online courses that simulate real-world legal practice to assess skills not measured by multiple-choice or performance tests—but measured by a supervised practice requirement like Nevada's. While the State Bar's New Attorney Training Program E-Learning Portal, which covers topics like law practice management and attorney wellbeing, offers a model to build upon, it is a traditional module-based online course and exam delivery tool. A solution with more interactive capabilities or simulations would require new technologies. This would require significant research and development.

Other details that will need to be determined are whether different components of the exam should be administered separately and graded independently (bifurcated grading), and whether each component should be offered in-person at large test centers, in-person at small vendor-owned test centers, remotely online, or some combination of those methods.

Tangible and Intangible Benefits for the State Bar and Examinees

Rule 9.6(b)(1) directs the State Bar to compare the tangible and intangible benefits of the proposed exam to existing practices. Because the CBE is exploring the future in which the current exam cannot continue, in lieu of a comparison to existing practices, Attachment A provides a side-by-side of the tangible and intangible benefits of each of the options currently under consideration.

Goals and Objectives Accomplished by Selection of the Option

Rule 9.6(b)(2) directs the State Bar to identify whether any existing products or services are feasible to accomplish the same goals and objectives as the proposal. Attachment B identifies the goals and objectives of each option and then explores whether there are other alternative existing products to meet the same goals.

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

Rule 9.6(b)(3) directs the State Bar to assess whether any new technological requirements necessary to implement the new bar exam would place an undue financial burden on the examinees. Attachment C identifies possible new technological requirements on examinees

associated with each option and an assessment of whether it could result in an undue financial burden for examinees.

LAW SCHOOL ENGAGEMENT

During recent informal discussions with law school representatives a straw poll found that most favored Option 2, transitioning to the NextGen UBE. One of the key reasons stated was that the State Bar's content development efforts for the multiple-choice questions tested in February resulted in a loss of faith that the State Bar was in a position to develop an effective assessment of minimum competence.

As part of our commitment to engage stakeholders and to better inform CBE members, staff will be sending a more formal survey to law school deans in the coming days to secure their thoughts about the most important elements that should be considered when thinking about the future bar exam, as well as seeking their input on specifically the three options. We will report back at the next CBE meeting about the input we receive.

CONCLUSION

Future conversations with the CBE will further flesh out the elements of the cost-benefit analysis set forth in Attachments A through C based on input from CBE members as well as further research. Such conversations will also include the additional required elements of the cost-benefit analysis:

- (1) The direct and indirect costs 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 at a comparable or lower cost for the State Bar and the examinees;
- (3) Whether any 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 exam.

In addition, future reports will encompass the analysis required by AB 484 regarding whether adoption of the NextGen UBE is more efficient.

CBE members are encouraged to discuss what additional information would assist them in reaching their final recommendation to the Board and the Supreme Court.

PREVIOUS ACTION

August 14, 2025: Joint Board of Trustees / CBE Meeting, Development of Recommendations for Future California Bar Exams

- [Presentation](#)
- [Staff Report](#)
- [Pros and Cons of Three Future Bar Exam Options](#)
- [Alignment of Future Bar Exam Options with Board and Supreme Court Guiding Principles](#)
- CBE ratified the guiding principles adopted by the Board for making decisions about the future of the bar exam, adding to the list of guiding principles: Avoid locking the State Bar into long-term vendor contracts so as to provide flexibility in licensing innovation.

[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.

Following discussions at its meetings in December 2024 and [January 2025](#), the CBE developed recommendations for a steering committee to guide the development of the new exam and implement a structure for gathering information from experts and stakeholders and making recommendations to the Board and the Court.

[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 to develop its own exam in lieu of transitioning to the NCBE's NextGen Exam.

State Bar Petition to the Supreme Court Date, description

FISCAL/PERSONNEL IMPACT

Future drafts of the cost-benefit analysis will, to the greatest extent possible, seek to identify costs for each of the three options.

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

Informational item only.

ATTACHMENTS LIST

- A. Tangible and Intangible Benefits for the State Bar and Examinees
- B. Goals and Objectives Accomplished by Selection of the Option
- C. Extent to Which Technological Requirements to Implement these Changes Impose Undue Financial Burden on Examinees

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

Benefit	Option 1	Option 2	Option 3
Tangible & intangible benefits for examinees	<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>Tangible and intangible benefits for State Bar</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"> • Expertise in exam 	<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"> • Significant time and focus on development efforts • Considerable resources • Large bank of questions that must be continuously replenished, revised, and updated • Repeated practice analyses and content validation studies to ensure that the exam continues to measure minimum competence <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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ATTACHMENT A

		<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>Improve accessibility for examinees</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"> • California’s existing bar exam, which will not be able to continue precisely as is with the elimination of the standalone MBE. • The Uniform Bar Exam, which will be entirely phased out in 2028 • Louisiana’s current jurisdiction drafted exam • Puerto Rico’s
<p>Improve affordability for examinees</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>	

ATTACHMENT B

				current jurisdiction drafted exam
	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.	
Emphasize practical skills and minimum competency in California	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>	

ATTACHMENT B

		component can be added to focus on needs for California entry level attorneys.		
Ensure exam reliability, predictability, and validity		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 high reliability .	meet standards for reliability and validity.
Test design that is fair, equitable and minimizes disparate performance impacts based on race, gender, ethnicity, and other characteristics.	Would be built into California’s test design.	By incorporating multiple-choice questions, short answer, and longer answer responses, should minimize disparate performance impact.	
Get it right	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.
Learn the lessons from the February exam	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.

ATTACHMENT B

Innovation	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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ATTACHMENT B

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
Option 1	Unknown at this time.	Unknown at this time.
Option 2	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.
Option 3	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.

EXHIBIT 14



The State Bar of California

Roadmap to Recommending the Future Bar Exam

Donna S. Hershkowitz, Chief of Admissions/Legislative Director

Board of Trustees Meeting, November 20–21, 2025



Purpose/Goal

- Focus on the task before you: Hone in on what you are being asked to decide between now and May 2026
- Begin developing a consensus around general direction



Backdrop

- Were on a path to development of a new California bar exam; expressly not adopting NCBE's NextGen UBE
- Experiences and knowledge gained from February 2025 bar exam
- CBE, BOT, and Supreme Court committed to getting it right
- Opportunity to apply lessons learned and develop new recommendations
- Are not restricted by parameters of October 2024 Court order
- August 14: CBE and BOT began discussion of 3 possible options for the next bar exam



Why Now?

- The exam as administered today (MBE + California essays and performance test) **will no longer be an option** after February 2028
- B&P 6046.6 notice requirements
 - 2-year notice if alter the bar examination in a manner that requires substantial modification of the training or preparation required for passage of the exam
 - 2-year notice to administer the exam remotely
 - 18-month notice to change the vendor of MCQs (but not substantially alter)



Options Previously Discussed by BOT and CBE



Option 1: “New Exam”

- Road we had been pursuing
- Using Kaplan-developed MCQs as a bridge from Feb./ July 2028 until new exam is ready



Option 2: NCBE’s NextGen UBE

- Deployment date of July 2028

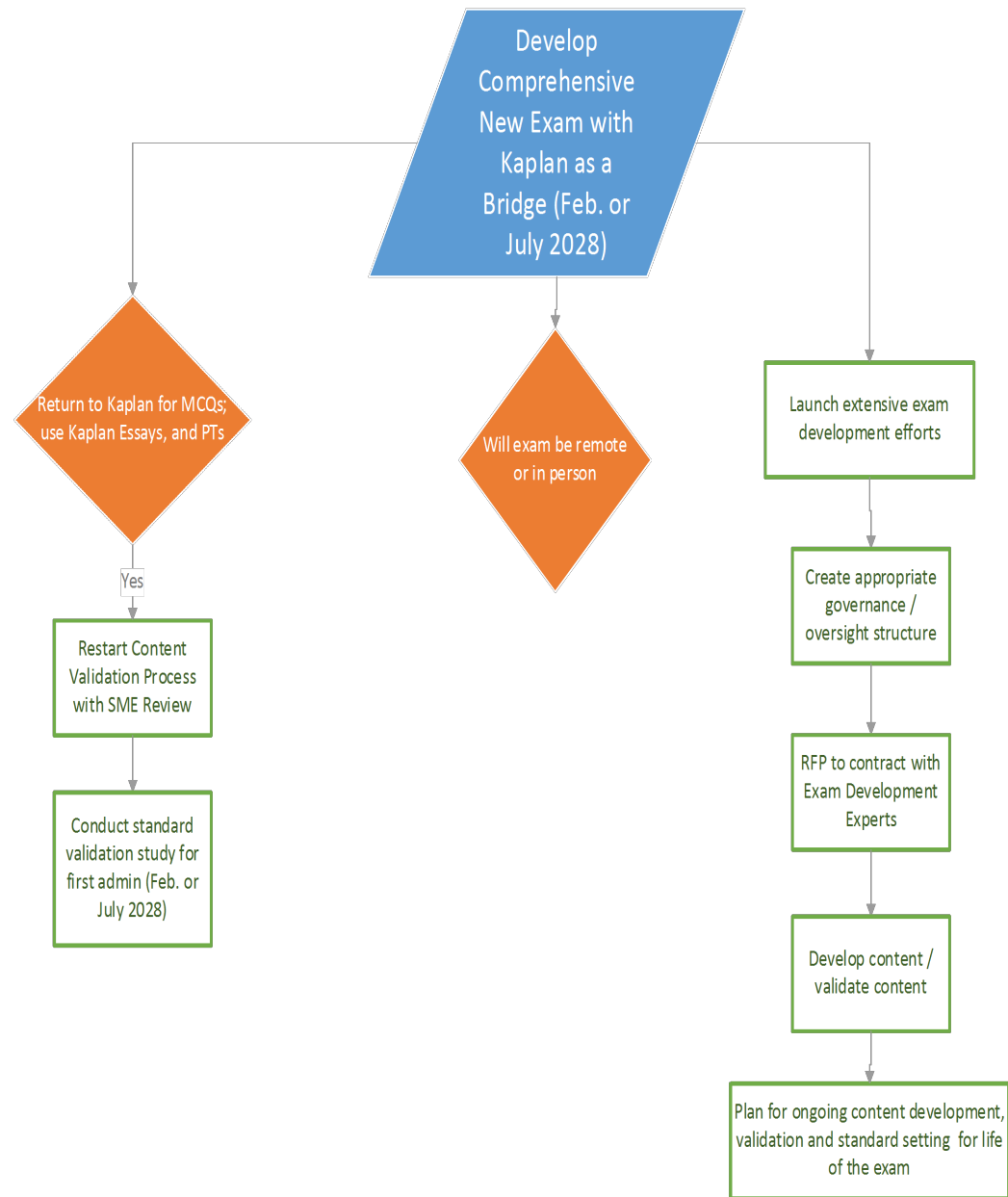


Option 3: “Streamlined Exam”

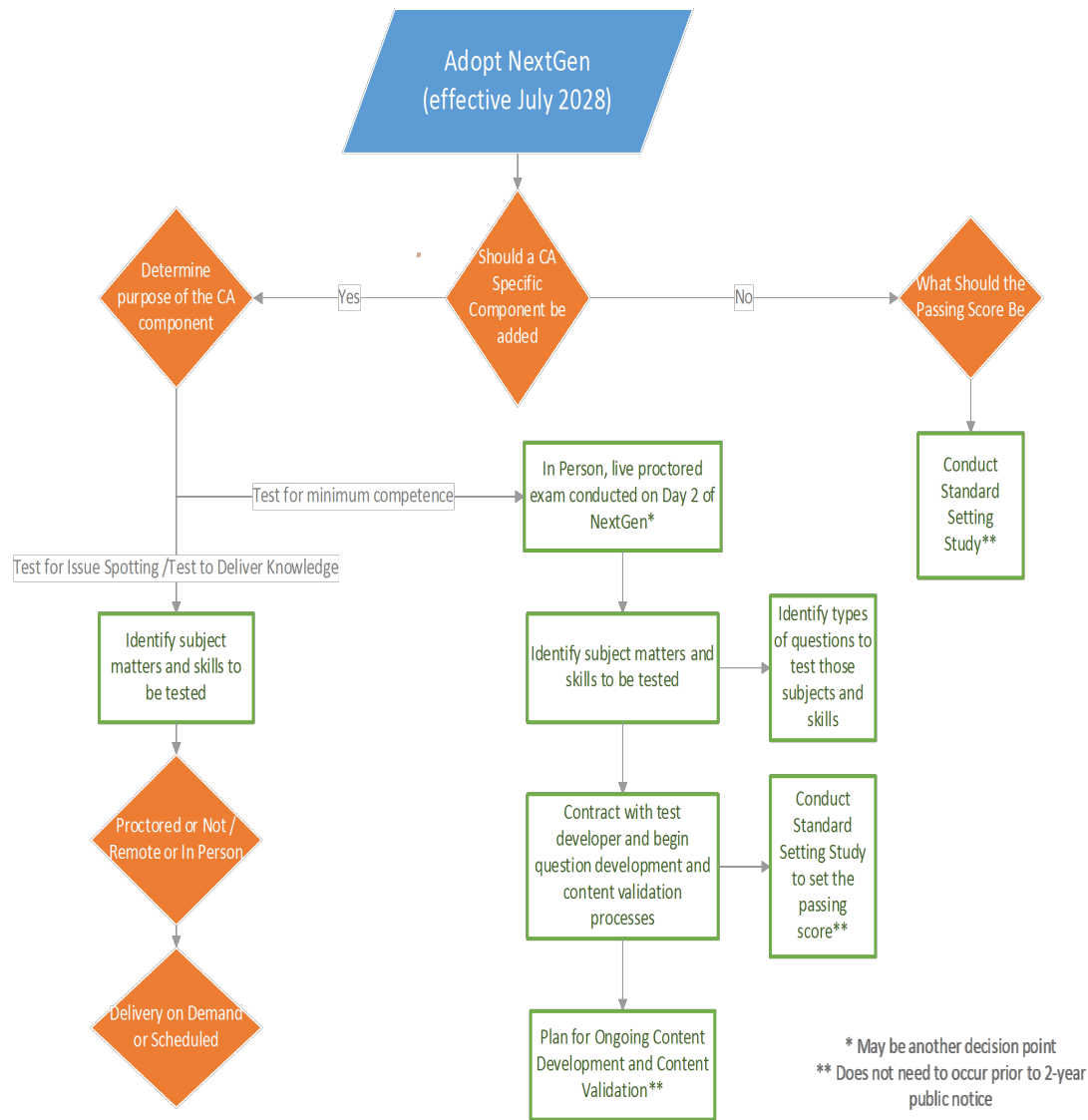
- Based on the Nevada Model; potential to launch in July 2028



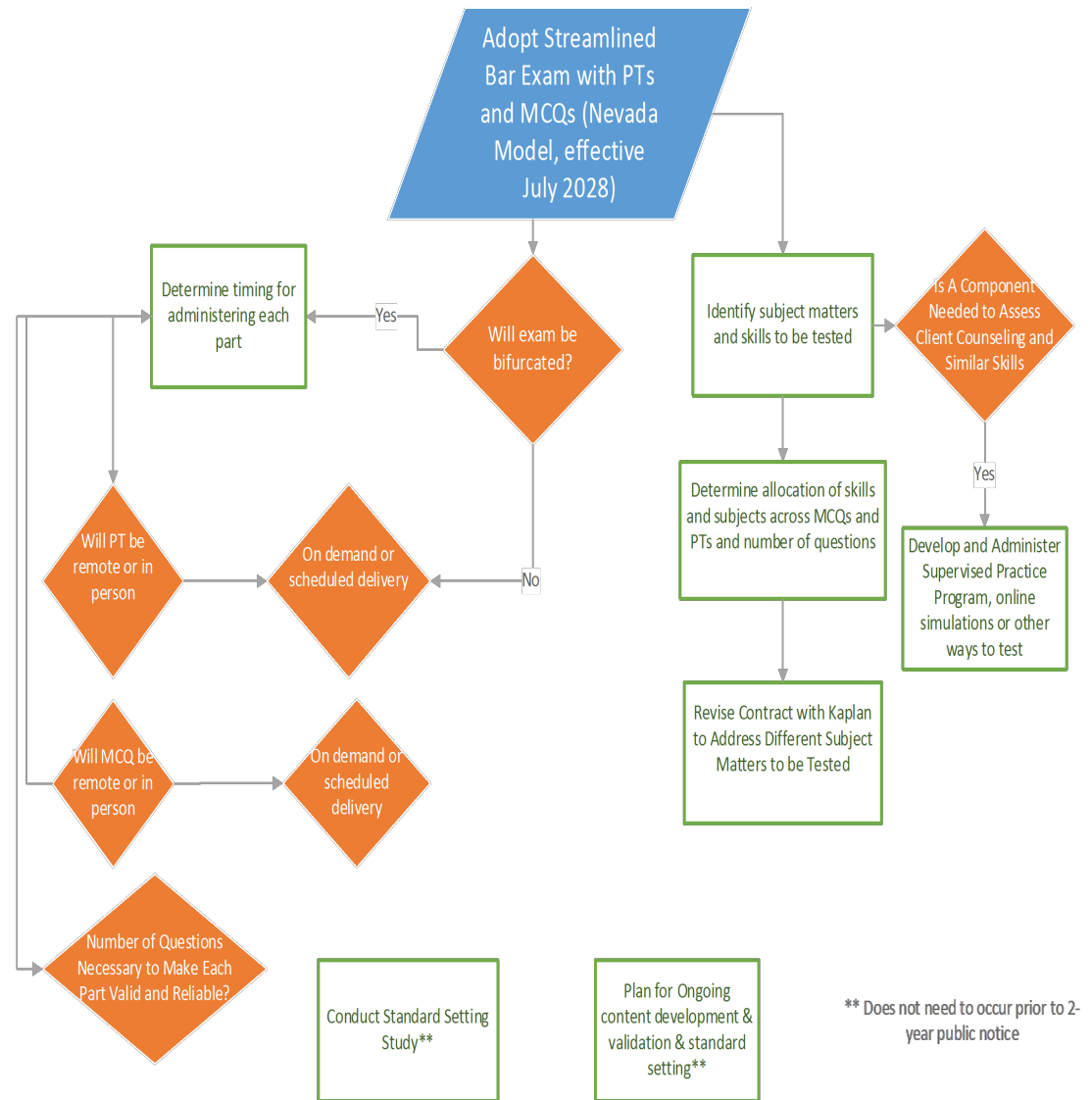
Decision Tree: New Exam



Decision Tree: NextGen UBE



Decision Tree: Nevada Model



BOT & CBE Guiding Principles & Priorities

- Doing it right is more important than doing it fast or doing it cheap
- Deliver a reliable and predictable exam
- Minimize risk. If changes are made:
 - Phase rollout and move with caution
 - Use proven technology, with appropriate testing and risk minimization
- Deliver 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

BOT & CBE Guiding Principles & Priorities

- 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 among BOT, CBE, and Supreme 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
- Avoid locking the State Bar into long-term vendor contracts to provide flexibility in licensing innovation

Other Important Inputs

Stakeholder Collaboration

(See Attachment A for
complete results)

Survey of California Law School Deans Preliminary Results

Survey response rate: 93% Most respondents were law school deans.

ABA: 94% (17 out of 18)

CBE: 94% (15 out of 16)

Unaccredited: 88% (7 out of 8)

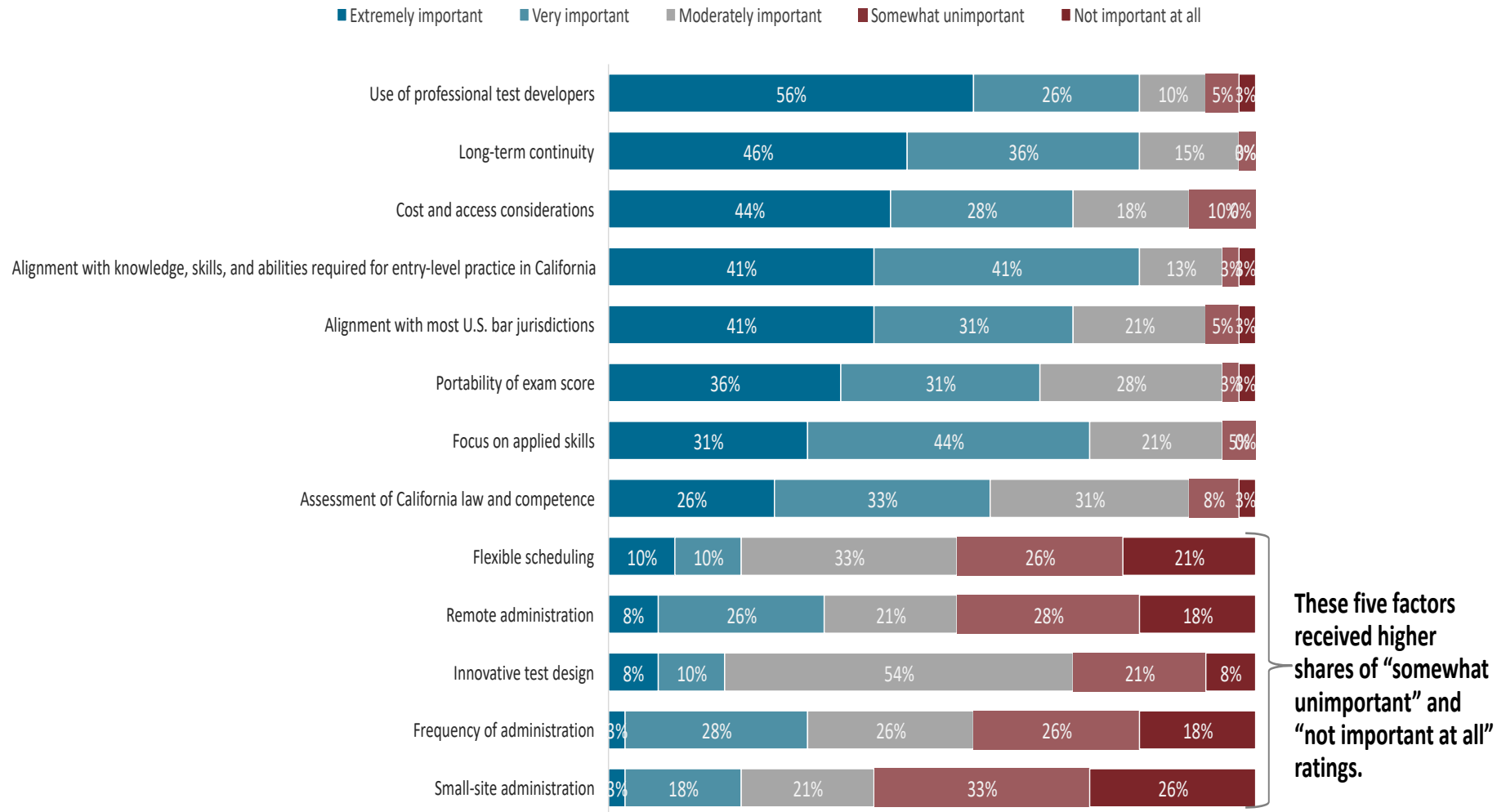
Considerations for Exam Development

Survey respondents were presented with the following list of factors for consideration when developing the future bar exam.

Factor	Description
Alignment with knowledge, skills, and abilities required for entry-level practice in California	The exam's content is aligned with the 2020 California Attorney Practice Analysis (CAPA) conducted by the State Bar.
Use of professional test developers	The exam is developed and validated by professional testing experts external to the State Bar.
Cost and access considerations	The exam's delivery method helps reduce the costs of travel and lodging for test takers.
Portability of exam score	Exam scores can be transferred or recognized by other U.S. jurisdictions.
Focus on applied skills	The exam emphasizes assessing skills rather than memorizing doctrinal law.
Long-term continuity	The exam implemented in July 2028 is intended to remain in place for the foreseeable future, without transition to a different format or design.
Alignment with most U.S. bar jurisdictions	The exam maintains consistency with bar exams used in other jurisdictions to support uniform preparation and planning by law schools and examinees.
Assessment of California law and competence	The exam appropriately measures minimum competence for legal practice in California by testing on California law.
Frequency of administration	The exam can be administered more than twice per year.
Remote administration	The exam can be administered remotely.
Innovative test design	The exam incorporates modern assessment methods (e.g., simulations, interactive/gamified testing)
Flexible scheduling	The exam can be offered on dates other than the last Tuesday and Wednesday of February and July as is the current practice.
Small-site administration	The exam can be administered at small test centers.

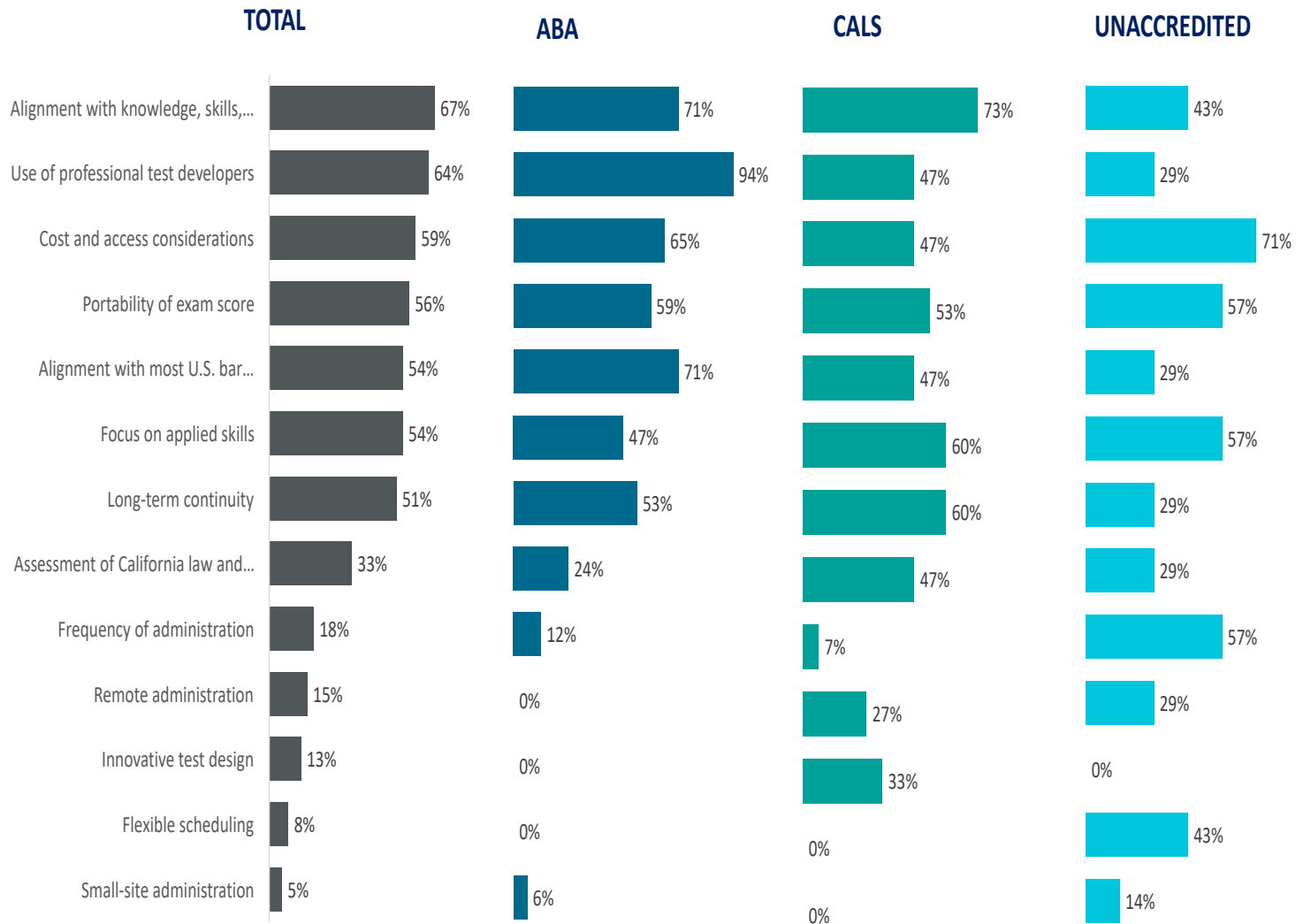


More than half of all respondents (56%) reported that use of professional test developers was “extremely important” for the CBE and Board to consider in developing the bar exam of the future.



Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

Percent That Ranked Each Factor as Among 5 Most Important to Prioritize in Developing the Future Bar Exam



Question: "Of the factors listed above, which five (5) do you believe are the most important for the CBE and the Board to prioritize in developing the future bar exam?"



Insights on 5 Most Important Factors

Top priorities

- Alignment with knowledge, skills, and abilities required for entry-level practice in California
- Use of professional test developers
- Cost and access considerations
- Portability of exam score
- Alignment with most U.S. bar jurisdictions
- Focus on applied skills

Lowest priorities

Frequency of administration, remote administration, and innovative design drew little support overall.

Flexible scheduling and small-site administration were the least cited.

Variation and similarities by law school type

- Professional test development is an overwhelming concern for **ABA** schools but far less so for **CALS** and **unaccredited law schools**.
- Cost and access, frequency of administration, and flexible scheduling resonate highly with **unaccredited** schools.
- **Innovation and remote testing** are generally low priorities across the three types of law schools.



Ranking Future Exam Options: All Schools

Question: "Please rank the [7] options below in order of preference (1 = highest preference), indicating which recommendation you believe the CBE and the Board of Trustees should advance to the Supreme Court regarding the future bar exam."

- The **highest-ranked option** for all schools and CALS was Option 5; for unaccredited schools, it was Option 2.
- The **highest-ranked option** for ABA schools was Option 4.
- The **lowest-ranked option** for all schools, ABA schools, and CALS was Option 1. In contrast, the unaccredited schools ranked Option 6 last.

	All Schools Average Rank	ABA Average Rank	CALS Average Rank	Unaccredited Average Rank
Option 1. 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 development timeline of five-plus years), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance test (PT).	5.1	5.6	4.9	4.3
Option 2. 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.	3.8	4.4	3.5	3.3
Option 3. Develop a new but streamlined California bar exam outlined in Option 2 but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).	4.2	4.8	3.7	3.4
Option 4. Adopt the NCBE's NextGen UBE without adding a California-specific component.	3.4	2.1	4.2	4.6
Option 5. Adopt the NCBE's NextGen UBE and add a California-specific component.	2.8	2.3	3.1	3.4
Option 6. 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 development timeline of five-plus years), use the NCBE's NextGen UBE without adding a California-specific component.	4.4	4.4	4.2	5.0
Option 7. 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 development timeline of five-plus years), use the NCBE's NextGen UBE and add a California-specific component.	4.3	4.4	4.4	4.0

Next Steps



Further research and analysis into each option



Further engagement with key stakeholders

- Roundtable discussion with law school deans (joint meeting of BOT and CBE: January 2026)

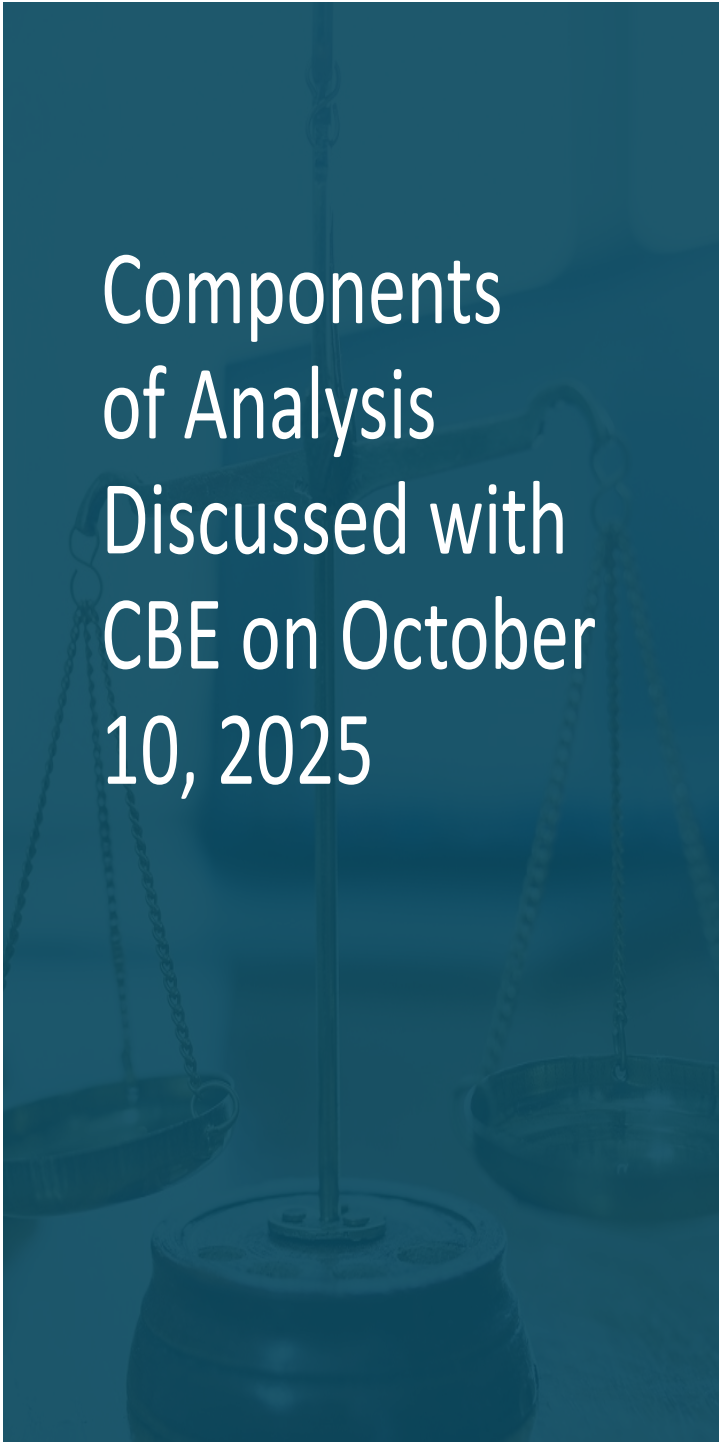


- Draft analysis to joint meeting of BOT and CBE: January
- Final analysis to CBE: March/April
- Final analysis to Board for recommendation to Supreme Court: May



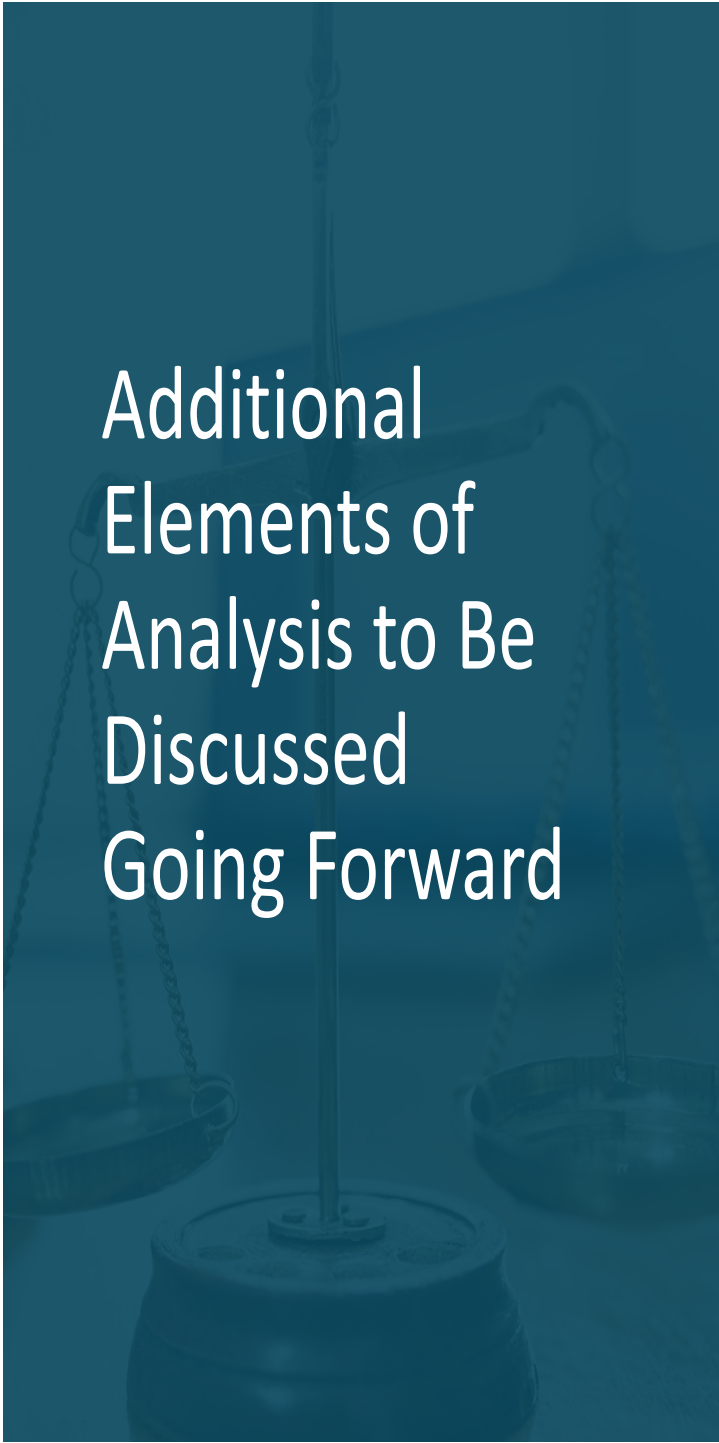
Supplementary Slides





Components of Analysis Discussed with CBE on October 10, 2025

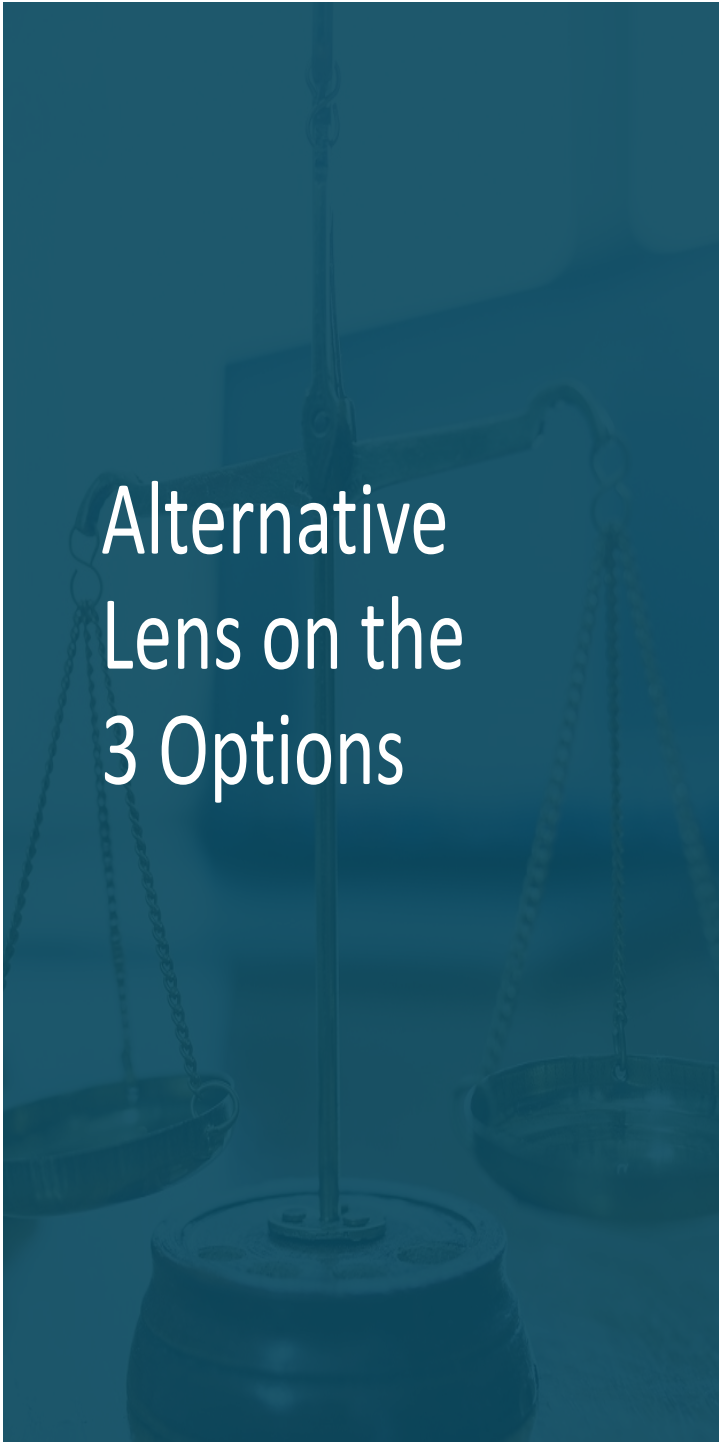
- Tangible and intangible benefits for State Bar and examinees of existing practices compared to proposed changes*
- Any other alternative, existing products or services that are feasible to accomplish the same goals and objectives*
- Whether any new technological requirements to implement the proposed changes would place undue financial burden on examinees



Additional Elements of Analysis to Be Discussed Going Forward

- Direct and indirect costs for State Bar and examinees of existing practices compared to proposed changes
- Whether any new fees to implement the proposed changes would place undue burden on examinees
- Estimated number of staff necessary to implement the proposed changes
- Estimated time frame required to competently implement the proposed changes
- Whether the proposed changes have previously demonstrated their efficacy under similar testing conditions

If adopting NextGen UBE would be more efficient to administer and lower the costs to State Bar and examinees



Alternative Lens on the 3 Options

- “New Exam”
- New Exam using NextGen UBE as the bridge (instead of Kaplan) with a California-specific component
- New Exam using NextGen UBE as the bridge (instead of Kaplan) without a California-specific component
- NextGen UBE with a California-specific component
- NextGen UBE without a California-specific component
- “Streamlined Exam” (Nevada Model)
- Streamlined Exam plus an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling)

Comparison Table: Doctrinal Law

Current Exam	New Exam (as originally directed by 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 & Constitutional Protections
Evidence	Evidence	Evidence
Real Property	Real Property	Real Property
Torts	Torts	Torts
Community Property	Family Law	Family Law (starting 7/28)
Business Associations	Admin Law and Procedure	Business Associations
	Employment Law	
Trusts, Wills, and Succession	Estate Planning, Trusts & Probate	
Professional Responsibility	Professional Responsibility	Professional Responsibility*
Remedies		

ornia

Comparison Table: Skills & Abilities

New Exam (as originally directed by Supreme Court)	NextGen UBE
Legal Drafting & Writing	Legal Writing
Research & Investigation	Legal Research
	Investigation & Evaluation
Issue Spotting & Fact Gathering	Issue Spotting & Analysis
Counseling & Advising	Client Counseling & Advising
Communication & Client Relationship	Client Relationship & Management
Negotiation & Dispute Resolution	Negotiation & Dispute Resolution
Litigation Skills	





The State Bar of California

**OPEN SESSION
AGENDA ITEM
6.3 NOVEMBER 2025
BOARD OF TRUSTEES**

DATE: November 20, 2025

TO: Members, Board of Trustees

FROM: Donna S. Hershkowitz, Chief of Admissions/Legislative Director

SUBJECT: Discussion Regarding a Roadmap to Recommending the Future Bar Exam

EXECUTIVE SUMMARY

In light of the challenges experienced and criticisms received with both the content and administration of the February 2025 California Bar Examination, the Committee of Bar Examiners (CBE), the Board of Trustees, and the California Supreme Court are revisiting the analysis of what type of bar exam should be administered in July 2028 and beyond. This informational item is a continuation of the discussion started with the Board on May 22, 2025, when the Board adopted guiding principles to be taken into consideration in developing recommendations for the future bar exam. The CBE is tasked with developing a recommendation to the Board about the future bar exam to help shape and inform the Board's recommendation to the Supreme Court and the Court's ultimate decision. To assist the CBE and the Board in developing their recommendations, over the next several months, staff will be providing information about the three primary options initially discussed at the August 14, 2025, joint meeting of the Board and the CBE and discussed in greater detail at the October 10, 2025, CBE meeting. The planned culmination of these conversations will occur in May 2026, when the final recommendation to the Supreme Court will be decided.

RECOMMENDED ACTION

Informational item only.

DISCUSSION

With the exception of the February 2025 exam, the California Bar Exam has included multiple-choice questions developed by the National Conference of Bar Examiners (NCBE).¹ This multiple-choice section of the exam is referred to as the Multistate Bar Exam (MBE) and has been tested in California since 1972. For the 30-year period from 1987 to 2017, the bar exam was unchanged, consisting of:

- The 200-question MBE
- 6 one-hour essays
- 2 three-hour performance tests

Effective July 2017, the bar exam was shortened from three to two days. The number of essays was reduced to five; one performance test was eliminated and the time for the performance test shrank from three hours to 90 minutes.

By July 2028, the State Bar of California *must* change the bar exam that is administered. The MBE will cease to exist as a standalone product.

In October 2024, the Supreme Court set the direction for the future bar exam, adopting the recommendation of the Blue Ribbon Commission on the Future of the Bar Exam that California create its own bar exam and not adopt NCBE's NextGen Uniform Bar Exam (NextGen). As a first step in that direction, California opted not to use the MBE in February 2025, administering its own multiple-choice questions. That split from NCBE allowed California to conduct the exam remotely and at small test centers.

However, as the Board is aware, February 2025 bar exam test takers faced widespread technological challenges with regard to both modalities—remote and in person at small test centers. In addition, the State Bar received criticism about the quality and scope of the multiple-choice questions at the February 2025 bar exam. As a result, the CBE and the Board are revisiting the analysis of what type of bar exam should be administered in July 2028 and beyond. Any such change would require Supreme Court approval.

The Board and the CBE have begun discussing three options:

Option 1: New California-Specific Bar Exam/Use of Kaplan Questions and California-Developed Essays and Performance Tests (PTs) During the Multiyear Development Effort (New Exam).²

Option 2: NCBE's NextGen Uniform Bar Exam (NextGen).

¹ The MBE typically consists of 200 multiple-choice questions. In October 2020, a 100-question version of the MBE was administered. NCBE did not release a 200-question MBE for this first remote administration during the COVID-19 pandemic.

² The return to Kaplan MCQs, essays, and PTs could be as early as February 2028 if no changes are made to the subject matter or content map as revised after the February 2025 bar exam. (Bus. & Prof. Code § 6046.6, as amended by SB 253 (Ch. 405, Stats. of 2025).) The State Bar's contract with Kaplan requires it to produce, in addition to MCQs, essays and PTs—the first submissions of which were provided in August and will undergo content validation by content review panelists selected by the staff in consultation with the Chair of the CBE based on the policy to be approved by the Supreme Court.

Option 3: Streamlined Exam: Multiple-Choice Questions (MCQs) and PTs (Nevada Model).⁵

The Supreme Court identified some considerations to consider in developing the ultimate recommendation, if applicable. Under rule 9.6(b) of the California Rules of Court, these considerations serve as a roadmap for the CBE and the Board⁶:

- The direct and indirect costs and tangible and intangible benefits for the State Bar and examinees 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 for the State Bar and the examinees.⁷
- Whether any new technological requirement or new fees to implement the proposed changes would place an undue financial burden on the examinees.
- The estimated number of temporary and non-temporary full-time equivalent positions necessary to implement the proposed changes.
- The estimated time frame required to competently implement the proposed changes.
- Whether the proposed changes have previously demonstrated their efficacy under testing conditions similar to those of the bar examination.

In lieu of repeating the information presented to the CBE, the Board is directed to the October 10, 2025, staff report, attachments, and presentation to the CBE, linked in the Previous Action section of this report below. The remainder of this report will discuss additional information learned or received since the October 10 CBE meeting.

INPUT OF LAW SCHOOL DEANS

Following informal discussions with law school deans at the end of September, the State Bar surveyed all California law school deans to learn which factors they view as most important in developing the future bar exam and the option they recommended.⁸ With 93 percent of law schools responding, the highest ranked option was adopting NextGen, with a California-specific

⁵ Options 2 and 3 could not be deployed before July 2028 due to the requirement of Bus. & Prof. Code § 6046.6 that alterations to the bar exam that require substantial modification to the training or preparation required for passage of the examination may only be done with two years' notice. Option 3, like Option 1, would include Kaplan-developed MCQs and PTs.

⁶ The CBE and the Board are required to conduct an analysis containing these factors, to the extent applicable, for any changes to the bar exam that "require substantial modification to the training or preparation required for passage of the examination or that substantially modify the method by the examination is administered." (Cal. Rules of Court, rule 9.6(b).)

⁷ At its October 10 meeting, the CBE discussed that this consideration is more appropriate in circumstances such as transitioning to a remote exam. At this time, while there are no other existing bar exam options to select from, this consideration is not relevant to the analysis of what the bar exam of the future should look like. Nonetheless, exploring the goals of each option is an important exercise and thus was presented to the CBE.

⁸ For this survey, the three bar exam options were further broken down into seven options, as shown in table 1. For purposes of the Board and the CBE, the additional nuance that created these additional options are discussed as decisions to be made after the high-level option is selected.

component. See table 1. This was also the highest ranked option for California-accredited law schools (CALS), while ABA-approved schools ranked adopting NextGen UBE *without* a California-specific component as their highest preference. Unaccredited law schools' highest ranked option was developing a new but streamlined California bar exam, like the approach adopted by Nevada, and limiting the exam to MCQs and PTs. All three school types ranked developing a new California bar exam consistent with the October 2024 direction of the Supreme Court as the least preferred option, with ABA-approved schools and CALS having the most disagreement with returning to Kaplan MCQs and California essays and PTs while the development effort was ongoing. Unaccredited schools disagreed most with using NextGen without a California-specific component while the new exam was under development. A comprehensive breakdown of the survey responses is included in the slide deck in Attachment A.

Table 1. California Law School Deans' Average Rankings of Proposed Approaches for Developing the Future Bar Exam

Proposed Approaches	Average Rank (lower rank indicates higher preference)			
	All Law Schools	ABA	CALS	Unaccredited
Option 1. 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 development timeline of five-plus years), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance tests (PTs).	5.1	5.6	4.9	4.3
Option 2. 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.	3.8	4.4	3.5	3.3
Option 3. Develop a new but streamlined California bar exam outlined in Option 2, but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).	4.2	4.8	3.7	3.4
Option 4. Adopt the NCBE's NextGen UBE without adding a California-specific component.	3.4	2.1	4.2	4.6
Option 5. Adopt the NCBE's NextGen UBE and add a California-specific component.	2.8	2.3	3.1	3.4
Option 6. 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 development timeline of five-plus years), use the NCBE's NextGen UBE without adding a California-specific component.	4.4	4.4	4.2	5.0

Option 7. 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 development timeline of five-plus years), use the NCBE’s NextGen UBE and add a California-specific component.

4.3

4.4

4.4

4.0

Note: Darker teal shading indicates stronger preference (lower average rank), transitioning through slate gray at the midpoint to red for lower preference (higher average rank). The survey prompt was, “Please rank the [7] options below in order of preference (1 = highest preference), indicating which recommendation you believe the CBE and the Board of Trustees should advance to the Supreme Court regarding the future bar exam.”

UPDATES

Since the staff report for the October 10, 2025, CBE meeting was completed, staff has continued to explore the different options, evaluate pros and cons, and think through the implications of each option. Some of this was discussed at the CBE meeting, and some of the information was identified subsequent to the CBE meeting. The highlights are set forth below.

Breadth of the Recommendations

The task for the CBE and the Board is not simply to select among Options 1, 2, and 3. A wide variety of additional components would need to be included in the recommendation, especially if NextGen or the Nevada Model is selected, and these components would need to be included in the notice to law schools and future bar takers. For example, if the Board were to recommend adopting NextGen, Trustees would need to recommend whether a California-specific component would be added. If so, what content areas and skills would be tested? How would they be tested (i.e., multiple-choice questions, simulations, learning modules akin to the State Bar’s New Attorney Training that would be available remotely, on demand)? Similarly, if the Board were to recommend adoption of the Nevada Model, additional decisions would need to be made, including:

- How many MCQs should be included?
- What subject matters? Would the subject matters be allocated by category or subcategory (i.e., a content map would need to be recommended)?
- Would the MCQs be offered at a different time than the PTs, like what Nevada is doing?
- How many PTs?
- What subjects and skills would the PTs be testing?

At the Board meeting, staff will present decision trees highlighting many of the decisions that would need to be made for a comprehensive recommendation to the Supreme Court and a comprehensive notice to the public.

Grading/Reporting Related to NextGen

Each jurisdiction adopting NextGen will grade the written responses to NextGen questions (other than the multiple-choice questions, which will be graded by NCBE). However, NCBE will provide the scoring platform (automation) graders will use to enter scores and will develop the

scoring rubrics. Graders will be trained on the scoring rubrics to ensure consistency of grading. All scores will be entered into the grading platform, and NCBE psychometricians will provide the final scores and results. California would not need psychometric support for grading the bar exam. NCBE staff could not confirm with 100 percent certainty the data and reports that the State Bar would have access to but felt confident that the State Bar would have the data needed to analyze performance on different sections of the exam, allowing it to learn, for example, if there were disparate performance results on the MCQs by race/ethnicity or gender. We could learn which of the subparts (MCQs, integrated questions sets, and PTs) had the least disparate performance and other information that would be helpful to know if NextGen as an exam was serving California well.

NCBE will be conducting a beta test of NextGen in January. Approximately 15 California graders will participate in the grading of the beta test. Staff will be able to join the training of the graders to see the platform and learn more. Staff plans to meet with the graders after their experience grading the beta test to gain insight into the process, the use of NCBE's scoring rubrics, and the time it takes to grade.

NCBE will require all jurisdictions administering NextGen to read all written responses twice. California currently only requires a small percentage of written responses to go through a second read. However, NCBE's research suggests that because many of the written responses will be short answers, the requirement for a universal second read will not add time to the grading process. Meeting with California's graders after the beta test will help assess the impact of the second-read requirement.

NEXT STEPS

NCBE and representatives from Nevada have agreed to participate in the CBE's December 5 meeting to present more information about their exams and to field questions from the CBE. Board members are encouraged to watch this remote meeting to learn more.

Staff and consultants with expertise in exam development and exam administration will complete the draft analysis required by the Supreme Court to assist the CBE and the Board in developing their recommendation for the future bar exam. An early draft will be presented to the CBE on December 5. A more complete draft will be presented at the proposed joint meeting of the CBE and the Board in January.

Also, for the proposed joint meeting, in consultation with the Board's Admissions Liaisons and the Chair and Vice-Chair of the CBE, staff is proposing a roundtable discussion with a small number of law school deans representing the different school types to allow the Board and the CBE to delve deeper into the perspectives of the law schools.

Staff will also survey the 46 jurisdictions¹³ that have announced adoption of NextGen to gauge receptivity to allowing graduates of CALS and unaccredited law schools, as well as those who completed their education through the Law Office Study Program, to have the benefit of portability of NextGen scores. The Board’s recommendation could be impacted if score portability were limited to graduates of ABA-approved law schools.

PREVIOUS ACTION

October 10, 2025: More detailed presentation to the CBE of the three options currently under discussion for the future bar exam:

- [Presentation](#)
- [Staff Report](#)
- [Tangible and Intangible Benefits for the State Bar and Examinees](#)
- [Goals and Objectives Accomplished by Each Option](#)
- [Extent to Which Technological Requirements to Implement the Options Impose Undue Financial Burden on Examinees](#)

August 14, 2025: Joint Board of Trustees/CBE Meeting, Development of Recommendations for Future California Bar Exams

- [Presentation](#)
- [Staff Report](#)
- [Pros and Cons of Three Future Bar Exam Options](#)
- [Alignment of Future Bar Exam Options with Board and Supreme Court Guiding Principles](#)

[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. Note: On August 14, the CBE ratified the guiding principles adopted by the Board for making decisions about the future of the bar exam, adding to the list of guiding principles: Avoid locking the State Bar into long-term vendor contracts so as to provide flexibility in licensing innovation.

Following discussions at its meetings in December 2024 and [January 2025](#), the CBE developed recommendations for a steering committee to guide the development of the new exam and implement a structure for gathering information from experts and stakeholders and making recommendations to the Board and the Court.

[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 to develop its own exam in lieu of transitioning to the NCBE’s NextGen exam.

¹³ On November 4, 2025, Michigan became the 46th jurisdiction to adopt NextGen; the state’s first administration will be in July 2028. Nevada is the only jurisdiction to announce it will not adopt NextGen. Other jurisdictions that have not yet announced plans are Arkansas, Montana, New Jersey, North Carolina, South Carolina, and Wisconsin. Louisiana and Puerto Rico do not currently use NCBE materials and are not anticipated to do so going forward.

FISCAL/PERSONNEL IMPACT

Future drafts of the cost-benefit analysis will, to the greatest extent possible, seek to identify costs for each of the three options.

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

None

ATTACHMENT LIST

- A. Survey of California Law School Deans Preliminary Results

Survey of California Law School Deans Preliminary Results

Survey response rate: 93% (most respondents were law school deans)

ABA: 94% (17 out of 18)

CBE: 94% (15 out of 16)

Unaccredited: 88% (7 out of 8)

Last updated: November 4, 2025



The State Bar of California

Key Findings

Factors for the CBE and Board to consider in developing the future bar exam

When asked to identify **five factors that were most important** for the Committee of Bar Examiners (CBE) and the Board of Trustees (Board) to prioritize in future bar exam development, the following factors were most frequently identified: alignment with knowledge, skills, and abilities required for entry-level practice in California; use of professional test developers; cost and access considerations; portability of exam score; alignment with most U.S. bar jurisdictions; and focus on applied skills.

In contrast, factors such as frequency of administration, remote administration, innovative test design, flexible scheduling, and small-site administration were less likely to be selected among respondents' top five.

There was variation by law school type with regard to the factors that were identified as "extremely" or "very important" for the CBE and the Board to consider when developing a future bar exam.

- **100% of ABA** law school deans reported that use of **professional test developers** was "extremely" or "very important."
- **87% of CALS** deans reported that a **focus on applied skills** was "extremely" or "very important."
- **100% of unaccredited** law school deans reported that **cost and access considerations** were "extremely" or "very important."

Key Findings

California-specific exam component: Purpose and mode of administration

Overall, respondents were evenly split on the **primary purpose** of the California-specific component, with 46% each selecting “to assess minimum competence in California-specific law or skills” and “to ensure understanding of essential concepts and requirements to prevent misconduct and protect the public.” However, there was variation by law school type.

- Most ABA law school deans (53%) emphasized ensuring understanding of essential concepts to prevent misconduct and protect the public.
- The CALS deans were evenly split.
- Most unaccredited law school deans (71%) emphasized assessing minimum competence in California-specific law or skills.

Form of administration: Nearly half of respondents (44%) recommended administering the California-specific component on the second day of the NextGen UBE; the remaining options (administer remotely and on demand, administer remotely up to 4 times a year) received similar support (28% each). However, there was variation by law school type.

- Most ABA law school deans (65%) recommend that a California-specific component be administered in person on the second day of the NextGen UBE. Just 6% recommend administering the exam remotely up to 4 times a year.
- In contrast, over 40% of CALS and unaccredited law school deans recommend administering the exam remotely up to 4 times a year.

Key Findings

Ranking future exam options

Respondents were presented with 7 options, asking them to rank in order of preference (1 = highest preference), indicating which recommendation they believe the CBE and the Board should advance to the California Supreme Court regarding the future bar exam.

Highest-ranked options

- **All schools combined:** Adopt the NCBE's NextGen UBE and add a California-specific component.
- **ABA:** Adopt the NCBE's NextGen UBE without adding a California-specific component.
- **CALS:** Adopt the NCBE's NextGen UBE and add a California-specific component.
- **Unaccredited:** Develop a new but streamlined California bar exam similar to the approach adopted by Nevada. The exam would be limited to multiple-choice questions (MCQs) and performance tests (PTs) and is intended to be ready for administration in July 2028.

Lowest-ranked options

- **ABA and CALS:** 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 development timeline of five-plus years), return to using Kaplan MCQs and California essays and PTs.
- **Unaccredited:** 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 development timeline of five-plus years), use the NCBE's NextGen UBE without adding a California-specific component.

Key Findings

Minimum years' notice recommended for law schools/students to prepare for a California-specific bar exam

The survey shared that the CBE recently held preliminary discussions about whether the best approach might be to adopt the NextGen UBE for a period of years while the State Bar develops a California-specific bar exam.

Respondents were asked, "If this approach were recommended, what do you believe is the minimum number of years that would be appropriate, given the need for law schools to adjust their curricula and for law students to prepare for a new California-specific bar exam?" (Note: A minimum of two years' notice will be provided as required by law.) The question was open-ended so as not to force respondents into a range of years from which to select.

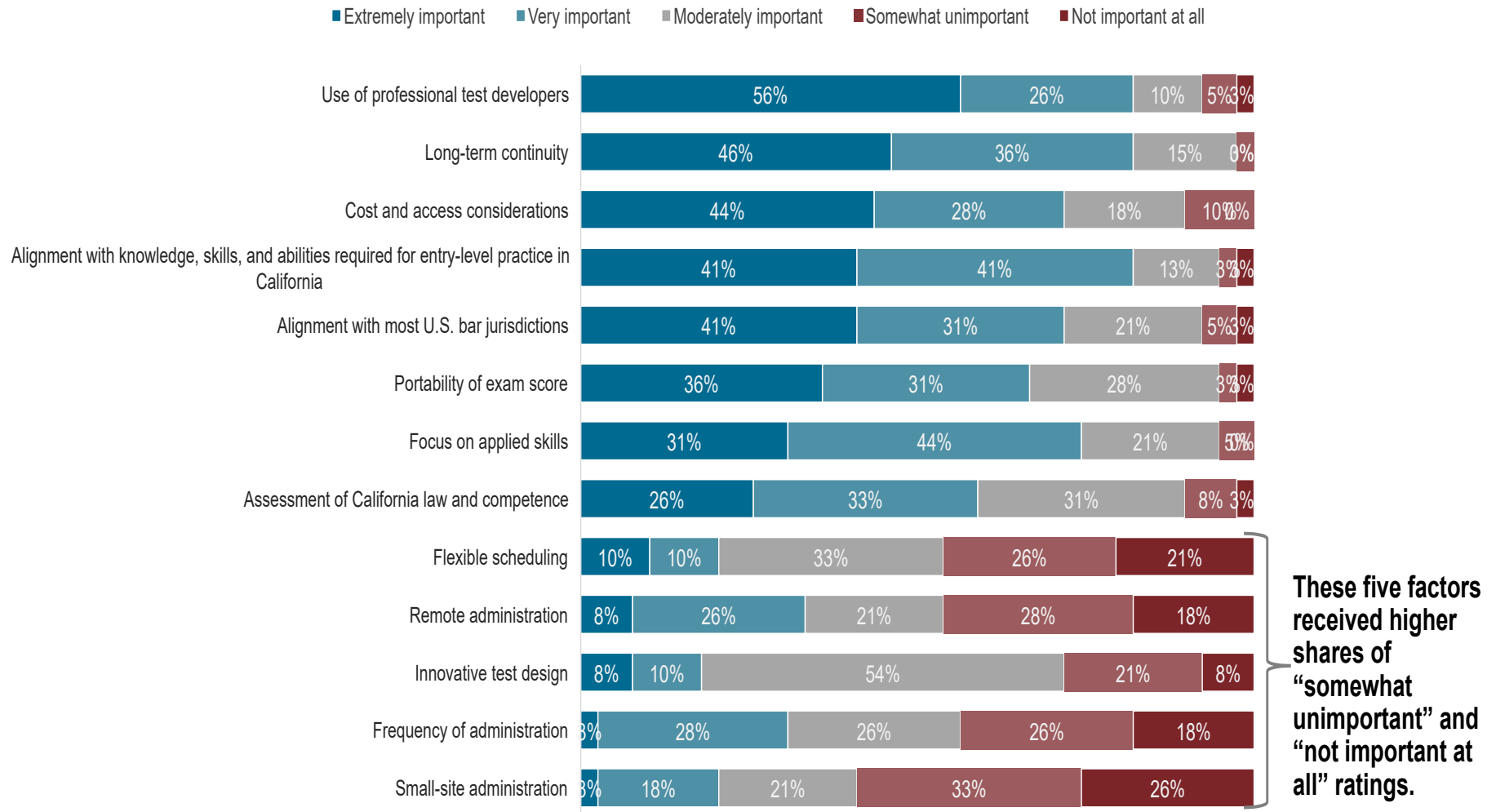
- Across all schools, the average recommended minimum period is **4.1 years**.
- ABA schools recommend the longest period (average = 4.4 years), with nearly half (47%) supporting 5 years.
- CALS have a similar pattern (average = 4.1 years), with roughly equal support for 3–5 years.
- Unaccredited schools lean toward a shorter timeline (average = 3.1 years), with 43% favoring 3 years and almost 30% favoring 2 years.

Considerations for Exam Development

Survey respondents were presented with the following list of factors for consideration when developing the future bar exam.

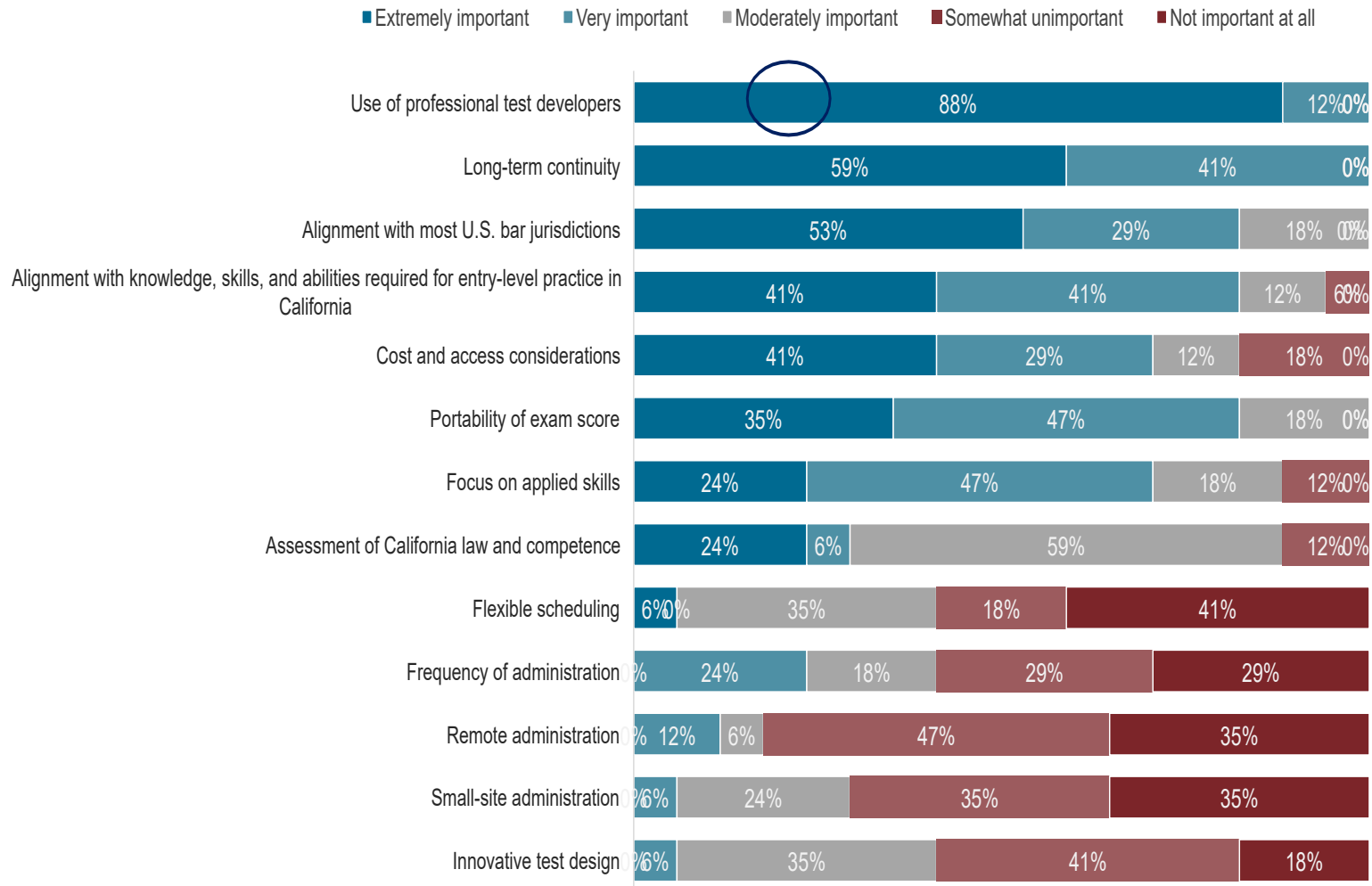
Factor	Description
Alignment with knowledge, skills, and abilities required for entry-level practice in California	The exam's content is aligned with the 2020 California Attorney Practice Analysis (CAPA) conducted by the State Bar.
Use of professional test developers	The exam is developed and validated by professional testing experts external to the State Bar.
Cost and access considerations	The exam's delivery method helps reduce the costs of travel and lodging for test takers.
Portability of exam score	Exam scores can be transferred or recognized by other U.S. jurisdictions.
Focus on applied skills	The exam emphasizes assessing skills rather than memorizing doctrinal law.
Long-term continuity	The exam implemented in July 2028 is intended to remain in place for the foreseeable future, without transition to a different format or design.
Alignment with most U.S. bar jurisdictions	The exam maintains consistency with bar exams used in other jurisdictions to support uniform preparation and planning by law schools and examinees.
Assessment of California law and competence	The exam appropriately measures minimum competence for legal practice in California by testing on California law.
Frequency of administration	The exam can be administered more than twice per year.
Remote administration	The exam can be administered remotely.
Innovative test design	The exam incorporates modern assessment methods (e.g., simulations, interactive/gamified testing)
Flexible scheduling	The exam can be offered on dates other than the last Tuesday and Wednesday of February and July as is the current practice.
Small-site administration	The exam can be administered at small test centers.

More than half of all respondents (56%) reported that use of professional test developers was “extremely important” for the CBE and Board to consider in developing the bar exam of the future.



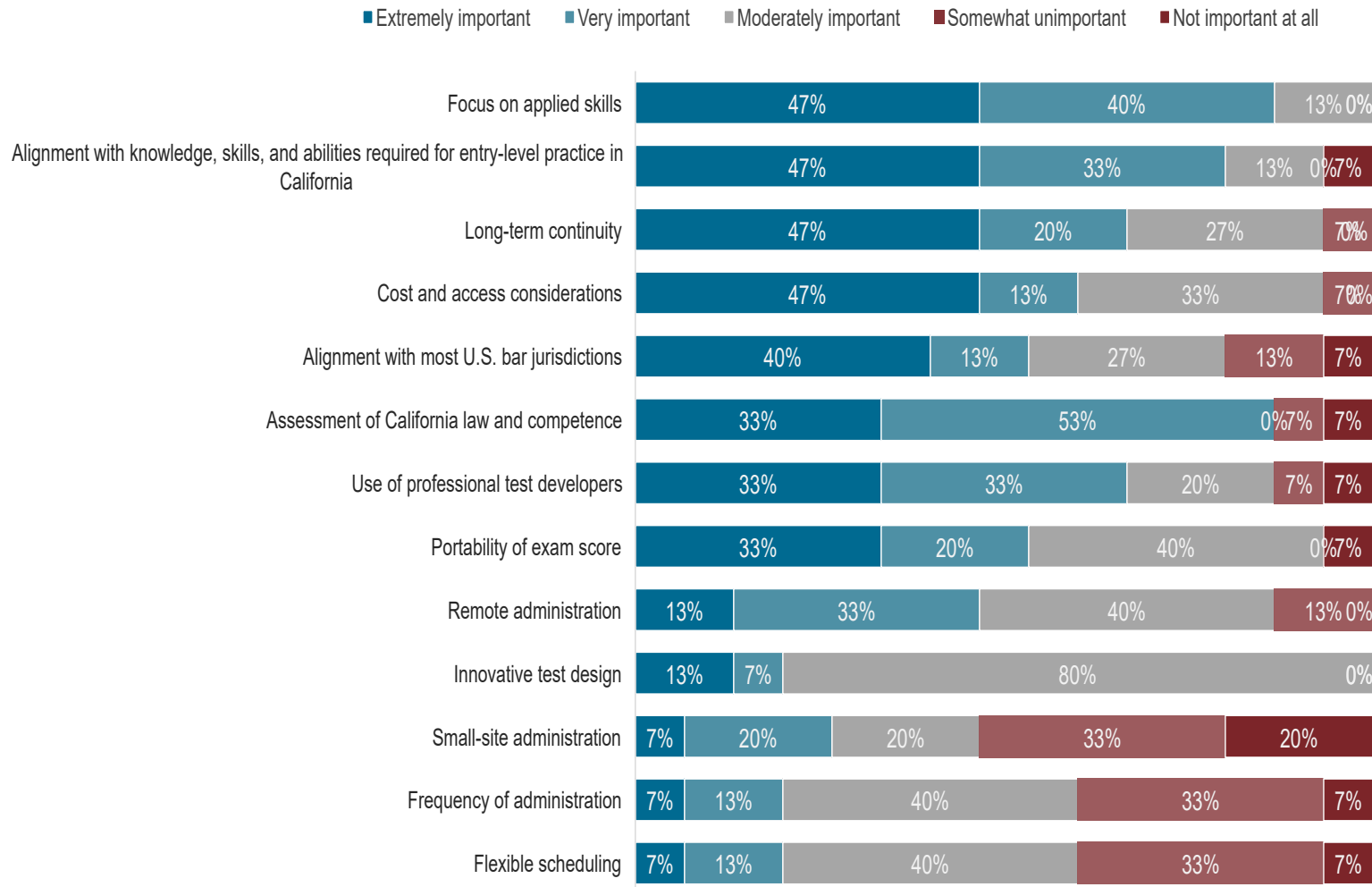
Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

100% of ABA law school deans reported that use of professional test developers was “extremely important” or “very important” for the CBE and Board to consider in developing the bar exam of the future.



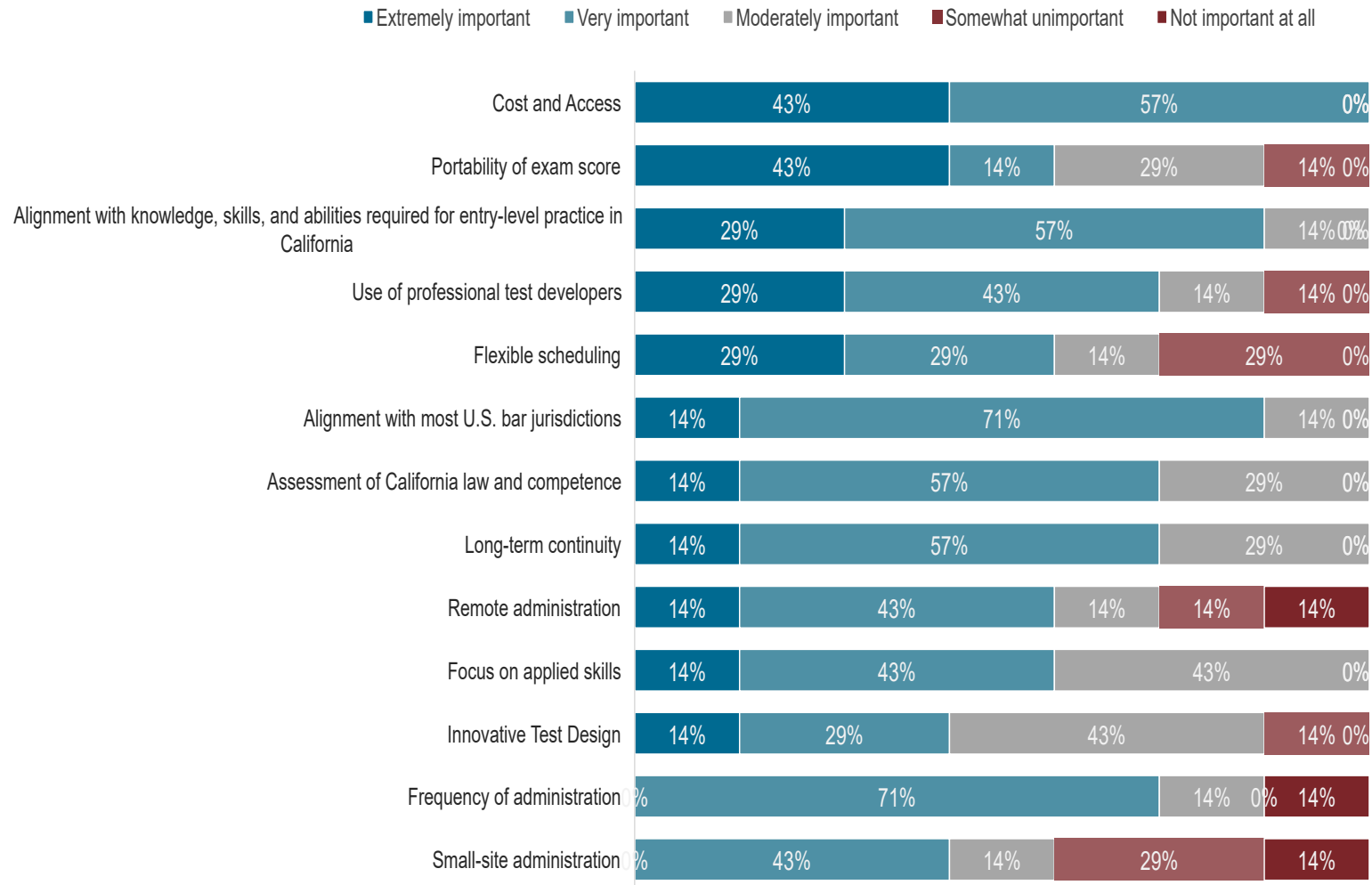
Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

87% of CALS deans reported that a focus on applied skills was “extremely important” or “very important” for the CBE and Board to consider in developing the bar exam of the future.



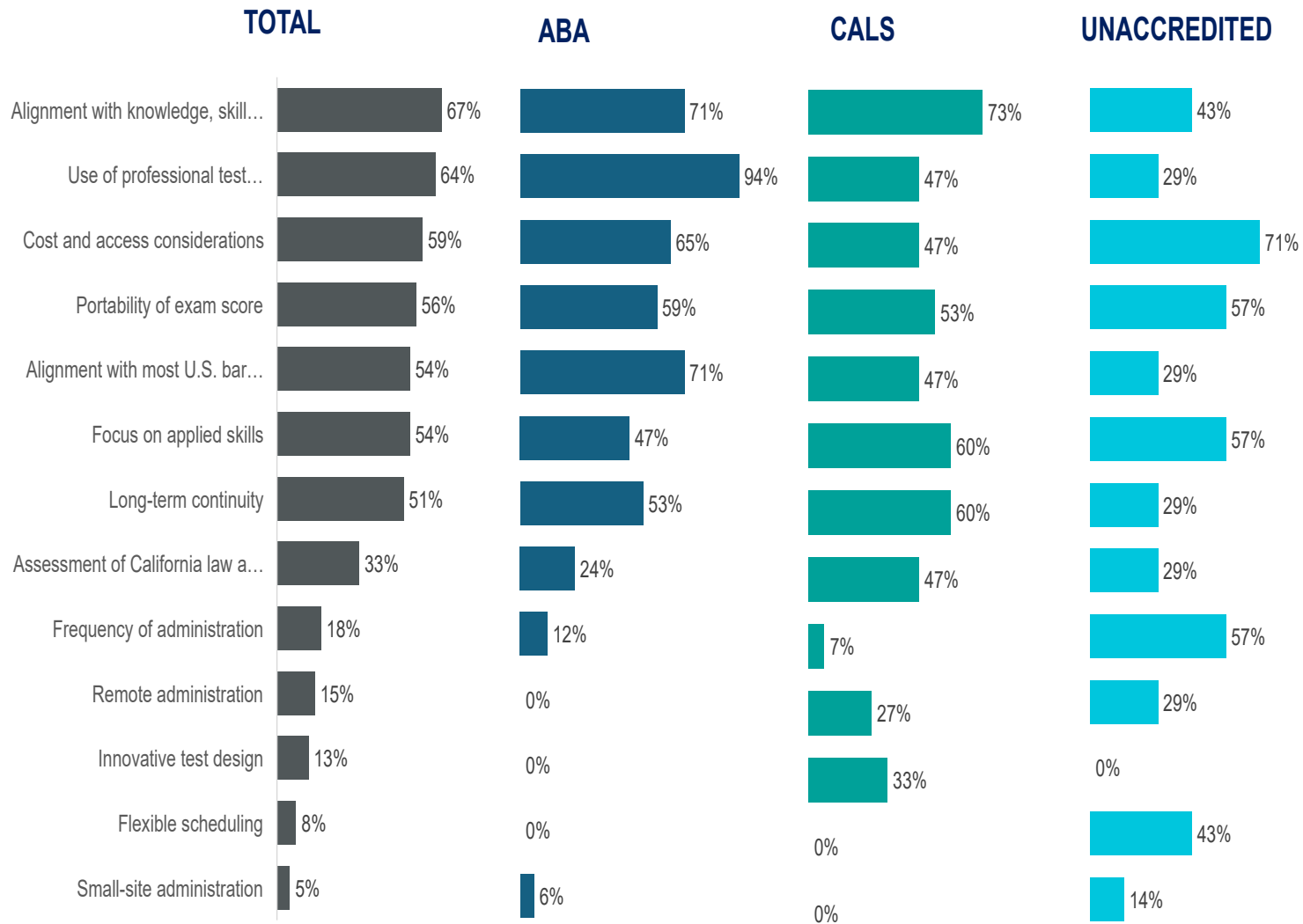
Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

100% of unaccredited law school deans reported that cost and access was “extremely important” or “very important” for the CBE and Board to consider in developing the bar exam of the future.



Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

Percent That Ranked Each Factor as Among 5 Most Important to Prioritize in Developing the Future Bar Exam



Question: "Of the factors listed above, which five (5) do you believe are the most important for the CBE and the Board to prioritize in developing the future bar exam?"

Insights on 5 Most Important Factors

Top priorities

- Alignment with knowledge, skills, and abilities required for entry-level practice in California
- Use of professional test developers
- Cost and access considerations
- Portability of exam score
- Alignment with most U.S. bar jurisdictions
- Focus on applied skills

Lowest priorities

Frequency of administration, remote administration, and innovative design drew little support overall.

Flexible scheduling and small-site administration were the least cited.

Variations and similarities by law school type

- Professional test development is an overwhelming concern for **ABA** schools, but far less so for **CALS** and **unaccredited law schools**.
- Cost and access, frequency of administration, and flexible scheduling resonate highly with **unaccredited** schools.
- **Innovation and remote testing** are generally low priorities across the three types of law schools.

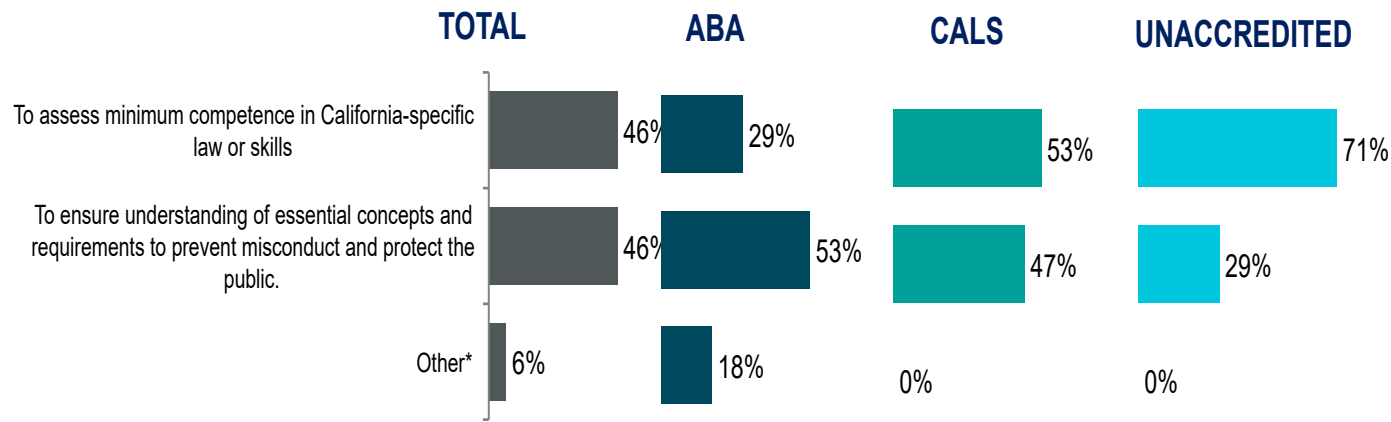


Purpose of California-Specific Component

Question: What do you think should be the primary purpose of a California-specific component?

Overall, respondents were evenly split on the primary purpose of a California-specific component, with 6% identifying an alternative purpose. However, there was variation by law school type.

- Most ABA law school deans (53%) emphasized ensuring understanding of essential concepts to prevent misconduct and protect the public.
- The CALS deans were nearly evenly split.
- Most unaccredited law school deans (71%) emphasized assessing minimum competence in California-specific law or skills.



* Three (3) ABA law school deans selected "Other" and wrote in the following:

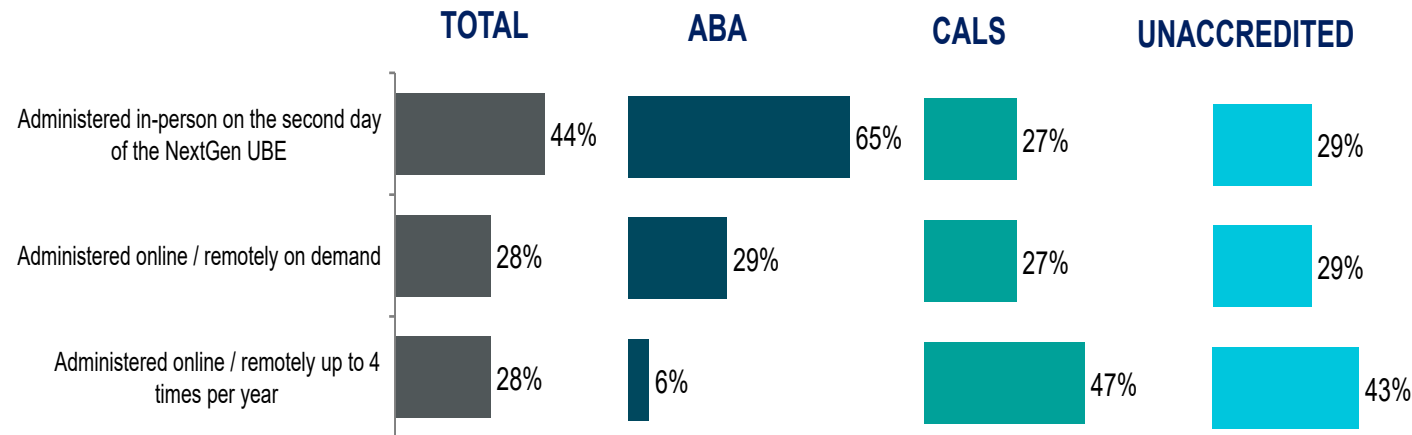
- "If a CA-specific component is relatively straightforward and not high stakes (e.g., more like the MPRE than the UBE), then there's more flexibility in the methods of delivery."
- "The NextGen UBE is designed around foundational lawyering tasks rather than memorizing jurisdiction-specific doctrines. If the purpose of the bar examination is to ensure minimum competence to practice law, that competence largely transcends jurisdiction."
- "Both"

Mode of Administration of California-Specific Component

Question: How would you recommend the California-specific component be delivered?

Nearly half of respondents (44%) recommended administering the California-specific component on the second day of the NextGen UBE; the remaining options nearly evenly split the remaining votes. However, there was variation by law school type.

- Most ABA law school deans (65%) recommend that a California-specific component be administered in person on the second day of the NextGen UBE. Just 6% recommend the option of administering the exam remotely up to 4 times a year.
- In contrast, over 40% of CALS and unaccredited law school deans recommend administering the exam remotely up to 4 times a year.



Ranking Future Exam Options: All Schools

Question: "Please rank the [7] options below in order of preference (1 = highest preference), indicating which recommendation you believe the CBE and the Board of Trustees should advance to the Supreme Court regarding the future bar exam."

- The **highest-ranked option** for all schools and CALS was Option 5; for unaccredited schools, it was Option 2.
- The **highest-ranked option** for ABA schools was Option 4.
- The **lowest-ranked option** for all schools, ABA schools, and CALS was Option 1. In contrast, the unaccredited schools ranked Option 6 last.

	All Schools Average Rank	ABA Average Rank	CALS Average Rank	Unaccredited Average Rank
Option 1. 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 development timeline of five-plus years), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance test (PT).	5.1	5.6	4.9	4.3
Option 2. 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.	3.8	4.4	3.5	3.3
Option 3. Develop a new but streamlined California bar exam outlined in Option 2 but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).	4.2	4.8	3.7	3.4
Option 4. Adopt the NCBE's NextGen UBE without adding a California-specific component.	3.4	2.1	4.2	4.6
Option 5. Adopt the NCBE's NextGen UBE and add a California-specific component.	2.8	2.3	3.1	3.4
Option 6. 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 development timeline of five-plus years), use the NCBE's NextGen UBE without adding a California-specific component.	4.4	4.4	4.2	5.0
Option 7. 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 development timeline of five-plus years), use the NCBE's NextGen UBE and add a California-specific component.	4.3	4.4	4.4	4.0

Ranking Future Exam Options: All Schools

Question: "Please rank the [7] options below in order of preference (1 = highest preference), indicating which recommendation you believe the CBE and the Board of Trustees should advance to the Supreme Court regarding the future bar exam."

- The highest-rated option was Option 5, with **28% of all law school deans ranking it highest.**
- The **second-highest preference** was Option 4.
- More than half (54%) of respondents ranked Option 1 **as their lowest preference.**

	Average Rank	Percent Ranked #1	Percent Ranked #7
Option 5. Adopt the NCBE's NextGen UBE and add a California-specific component.	2.8	28%	0%
Option 4. Adopt the NCBE's NextGen UBE without adding a California-specific component.	3.4	23%	15%
Option 2. 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.	3.8	15%	10%
Option 3. Develop a new but streamlined California bar exam outlined in Option 2 but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).	4.2	5%	5%
Option 7. 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 development timeline of five-plus years), use the NCBE's NextGen UBE and add a California-specific component.	4.3	8%	8%
Option 6. 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 development timeline of five-plus years), use the NCBE's NextGen UBE without adding a California-specific component.	4.4	3%	8%
Option 1. 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 development timeline of five-plus years), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance test (PT).	5.1	18%	54%

Note: Options are displayed in descending order of average rank.

Ranking Future Exam Options: ABA

Question: "Please rank the [7] options below in order of preference (1 = highest preference), indicating which recommendation you believe the CBE and the Board of Trustees should advance to the Supreme Court regarding the future bar exam."

- ABA law school deans ranked Option 4 the highest; 41% ranked this as their #1 preference.
- 71% ranked Option 1 as their lowest preference.

	Average Rank	Percent Ranked #1	Percent Ranked #7
Option 4. Adopt the NCBE's NextGen UBE without adding a California-specific component.	2.1	41%	0%
Option 5. Adopt the NCBE's NextGen UBE and add a California-specific component.	2.3	35%	0%
Option 2. 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.	4.4	6%	6%
Option 6. 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 development timeline of five-plus years), use the NCBE's NextGen UBE without adding a California-specific component.	4.4	0%	12%
Option 7. 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 development timeline of five-plus years), use the NCBE's NextGen UBE and add a California-specific component.	4.4	6%	6%
Option 3. Develop a new but streamlined California bar exam outlined in Option 2 but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).	4.8	0%	6%
Option 1. 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 development timeline of five-plus years), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance test (PT).	5.6	18%	71%

Note: Options are displayed in descending order of average rank.

Ranking Future Exam Options: CALS

Question: "Please rank the [7] options below in order of preference (1 = highest preference), indicating which recommendation you believe the CBE and the Board of Trustees should advance to the Supreme Court regarding the future bar exam."

- CALS deans ranked Option 5 the highest, although equal shares (20%) ranked Option 5 and Option 1 as their highest preference.
- 47% ranked Option 1 as their lowest preference.

	Average Rank	Percent Ranked #1	Percent Ranked #7
Option 5. Adopt the NCBE's NextGen UBE and add a California-specific component.	3.1	20%	0%
Option 2. 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.	3.5	13%	13%
Option 3. Develop a new but streamlined California bar exam outlined in Option 2 but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).	3.7	13%	7%
Option 4. Adopt the NCBE's NextGen UBE without adding a California-specific component.	4.2	13%	20%
Option 6. 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 development timeline of five-plus years), use the NCBE's NextGen UBE without adding a California-specific component.	4.2	7%	0%
Option 7. 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 development timeline of five-plus years), use the NCBE's NextGen UBE and add a California-specific component.	4.4	13%	13%
Option 1. 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 development timeline of five-plus years), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance test (PT).	4.9	20%	47%

Note: Options are displayed in descending order of average rank.

Ranking Future Exam Options: Unaccredited

Question: "Please rank the [7] options below in order of preference (1 = highest preference), indicating which recommendation you believe the CBE and the Board of Trustees should advance to the Supreme Court regarding the future bar exam."

- On average, unaccredited law school deans ranked Option 2 as their highest preference and Option 6 as their lowest.
- 43% ranked Option 4 as their lowest preference.

	Average Rank	Percent Ranked #1	Percent Ranked #7
Option 2. 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.	3.3	43%	14%
Option 5. Adopt the NCBE's NextGen UBE and add a California-specific component.	3.4	29%	0%
Option 3. Develop a new but streamlined California bar exam outlined in Option 2 but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).	3.4	0%	0%
Option 7. 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 development timeline of five-plus years), use the NCBE's NextGen UBE and add a California-specific component.	4.0	14%	0%
Option 1. 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 development timeline of five-plus years), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance test (PT).	4.3	14%	29%
Option 4. Adopt the NCBE's NextGen UBE without adding a California-specific component.	4.6	0%	43%
Option 6. 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 development timeline of five-plus years), use the NCBE's NextGen UBE without adding a California-specific component.	5.0	0%	14%

Note: Options are displayed in descending order of average rank.

Minimum Number of Years Notice

	2 years	3 years	4 years	5 years	6 years	10 years	Average
Total schools	10%	26%	26%	33%	3%	3%	4.1
ABA	0%	18%	29%	47%	6%	0%	4.4
CALS	13%	27%	27%	27%	0%	7%	4.1
Unaccredited	29%	43%	14%	14%	0%	0%	3.1

Question: Preliminary discussions by the CBE on October 10, 2025, considered whether the best approach might be to adopt the NextGen UBE for a period of years while the State Bar develops a California-specific bar exam.

If this approach were recommended, what do you believe is the minimum number of years that would be appropriate, given the need for law schools to adjust their curricula and for law students to prepare for a new California-specific bar exam? (Note: Minimum of two years' notice will be provided as required by law.)

- Across all schools, the average recommended minimum period is **4.1 years**.
- ABA schools recommend the longest adjustment period (average = 4.4 years), with nearly half (47%) supporting 5 years.
- CALS have a similar pattern (average = 4.1 years), with roughly equal support for 3–5 years.
- Unaccredited schools lean toward a shorter timeline (average = 3.1 years), with 43% favoring 3 years and almost 30% favoring 2 years.