

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 4 OF 6)**



PREPARED BY
THE STATE BAR OF CALIFORNIA

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

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

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

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

TABLE OF CONTENTS

Vol.	Ex.	Description	Page
1	1	Exploring Options for the Future Bar Examination in California: A Risk-Benefit Analysis	4–88
1	2	California Supreme Court Order Concerning Recommendations of the Blue Ribbon Commission on the Future of the Bar Exam and the Alternative Pathway Working Group, dated October 10, 2024	89–97
1	3	California Supreme Court Order Approving Modifications to the California Bar Examination, filed October 22, 2024, Case No. S287231	98–100
1	4	California Supreme Court Order Approving Raw Passing Score and Scoring Adjustment for the February 2025 California Bar Examination, dated May 2, 2025, Case No. 290627	101–103
1	5	California Supreme Court Order Approving Recommended Changes to the Court’s Proposed Amendments to Title Nine of the California Rules of Court, filed September 25, 2025	104–198
1	6	CBE Open Session Minutes: January 31, 2025	199–206
1	7	Board Open Session Minutes: May 22–23, 2025	207–228
1	8	CBE Open Session Minutes: June 20, 2025	229–243
1	9	Joint Board/CBE Presentation, Staff Report, and Attachments thereto for Agenda Item 2.3, dated August 14, 2025	244–278
1	10	CBE Open Meeting Minutes: August 14, 2025	279–284
1	11	Board Open Meeting Minutes: August 14, 2025	285–293

2	12	Board Presentation for Agenda Item 6.1, dated September 18, 2025	297–338
2	13	CBE Presentation, Staff Report, and Attachments thereto for Agenda Item 4.2, dated October 10, 2025	339–382
2	14	Board Presentation, Staff Report, and Attachment thereto for Agenda Item 6.3, dated November 20, 2025	383–434
3	15	CBE Presentation, Staff Report, and Attachments thereto for Agenda Item 4.4, dated December 5, 2025	438–696
4	16	Joint Board/CBE Presentations, Staff Report, and Attachments thereto for Agenda Item 3.3, dated January 23, 2026	700–821
4	17	CBE Open Meeting Minutes for Joint Board and CBE Meeting, dated January 23, 2026	822–828
4	18	Board Open Meeting Minutes for Joint Board and CBE Meeting, dated January 23, 2026	829–835
4	19	Subcommittee on Examination Development Presentation, Staff Report, and Attachment thereto for Agenda Item 3.1, dated February 20, 2026	836–895
5	20	Joint Board/CBE Staff Report and Attachments thereto for Agenda Item 3.1, dated March 13, 2026	899–1053
5	21	CBE Staff Report and Attachments thereto for Agenda Item 4.7, dated April 17, 2026	1054–1160
5	22	CBE Resolution for Agenda Item 4.7, dated April 17, 2026	1161–1164
6	23	Board Presentation, Staff Report, and Attachments thereto for Agenda Item 6.6, dated May 14, 2026	1168–1298
6	24	Board Certified Resolution for Agenda Item 6.6, dated May 14, 2026	1299–1302

EXHIBIT 16



The State Bar of California

Roadmap to the Future California Bar Exam

January 23, 2026



Plan / Goal for this Section

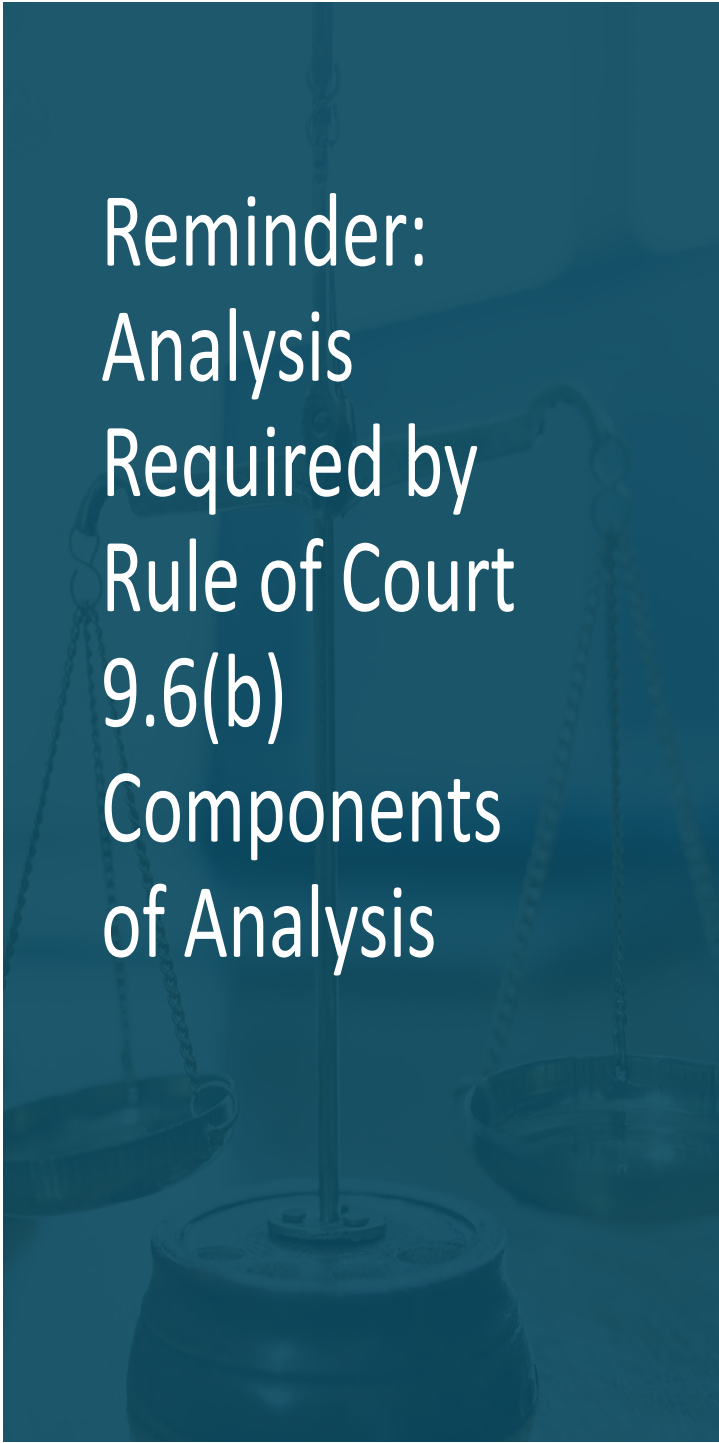
- To adopt a high-level recommendation for the bar exam to be administered in July 2028, and if that is a bridge to a future option, what the goal for future exam is
- How we will get there
 - Reminder of the inputs to date
 - In depth discussion of Board / CBE priorities and risks, benefits, and costs of different options





Reminder: Analysis Required by Rule of Court 9.6(b) Components of Analysis and Statute

- Tangible and intangible benefits for State Bar and examinees of existing practices compared to proposed changes
- Direct and indirect costs for the 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 at a comparable or lower cost for the State Bar and examinees*
- Whether any new technological requirements or fees to implement the proposed changes would place undue financial burden on examinees



Reminder: Analysis Required by Rule of Court 9.6(b) Components of Analysis

- 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



Inputs

August 2025 Joint Meeting

- Alignment of future bar exam options with adopted guiding principles (also Oct CBE mtg)

October 2025 CBE Meeting

- Pros and cons of bar exam options
Tangible and intangible benefits for State Bar and examinees
- Extent to which technological requirements of different options impose financial costs





Inputs

Today's meeting

- Law school deans survey & roundtable
- Survey of current and prospective applicants
- Survey of CA licensees
- Survey of bar associations and disability rights organizations
- Risks and benefits of bar exam options
- Cost implications of bar exam options
- Report on NextGen Beta test



Preliminary Cost Impacts of Bar Exam Options



Preliminary Cost Analysis

Background & Assumptions

- Annual cost increases and decreases are estimated for 2028 and the first few years thereafter. Additional costs or savings in later years - which could be significant - are not projected in this analysis. This represents staff's current best guess.
- Cost increases attributable to consumer price index or inflation not reflected as those increases are not caused by the option selected.
- Current costs listed are based on either July 2025 actual + February 2026 estimated expenses or 2026 annualized expenses
- Annual cost for the contract with Kaplan Exam Services for development of MCQs and Essay and Performance Test questions is not included in the question development column (over \$1.5 million annually) because those costs are related to specific options and not tied to the July 2025 and February 2026 bar exams.



Preliminary Cost Analysis

Background & Assumptions (continued)

- New exam could take 5 - 10 years for development, including conducting revised California Attorney Practice Analysis due to the age of the most recent study conducted.
- Current contract with Kaplan Exam Services has payments due through March 2029; under current contract terms, the State Bar could terminate the contract February 28, 2027, and pay \$712,500 as an early termination penalty in lieu of \$2,850,000 for 4th and 5th year.
- The format of a CA component of NextGen or new exam are unknown; costs are allocated with one-half to each question development category.
- Unknown whether component parts of a Nevada model would be administered separately or together. For purposes of this analysis, assume administered together as a 1-day bar exam. Any additional client counseling component assumed for this model to be administered through online module.



Preliminary Cost Analysis

Legend for Cost Analysis

≈ - roughly same costs as current

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

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

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

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

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

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



Current Bar Exam Expenses

Bar Exam Cost Items	Current Annual Costs
Test sites	\$2.8 million
Internet	-
Proctors & off duty officers	\$2.55 million
Exam software	\$1.15 million
NCBE license	\$819,000
Grading	271,000
Question development (MCQ)	-*
Question development (essay & PT)	55,000*
Content validation panelists and SMEs	-*
EDG team	\$330,000
Delivery & printing	\$156,000
Admissions staff & consultants	\$8.9 million
Staff travel to exam sites	\$196,000
Psychometric services	\$100,000
Computer rental	\$45,000

Bar Exam Options	Test Sites	Internet	Proctors	Exam Software	NCBE Licenses	Grading	MCQ Dev	Written Section Dev	CVP & SME Review	EDG Team
New Exam / Kaplan Bridge	≈	≈	≈	≈	↓↓	≈	↑↑↑	↑↑↑	↑	≈ / ↓
New Exam / NextGen Bridge (CA component)	≈	↑	↓↓	↓↓	↑↑	≈	↑↑↑	↑↑↑	↓	↓
New Exam / NextGen Bridge (no CA component)	≈	↑	↓↓	↓↓	↑↑	≈	↑↑↑	↑↑↑	↓	↓
Nevada Model (no skills component)	↓	≈	↓↓	↓	↓↓	↓	↑↑↑	↑↑	↑	↓
Nevada Model (skills component)	↓	≈	↓↓	↑	↓↓	≈	↑↑↑	↑↑↑	↑	↓
Nevada Model / Kaplan Bridge	≈	≈	≈	≈	↓↓	≈	↑↑↑	↑↑↑	↑↑	≈ / ↓
NextGen (CA component)	≈	↑	↓↓	↓↓	↑↑	≈	↑	↑	↓	↓
NextGen (no CA component)	≈	↑	↓↓	↓↓	↑↑	≈	≈	↓	↓	↓



Bar Exam Options	Delivery & Printing	Staff & Consultants	Staff Travel	Psychometric Services	Computer Rental
New Exam / Kaplan Bridge	≈	↑↑↑↑	≈	≈	≈
New Exam / NextGen Bridge (CA component)	↓	↑↑↑↑	≈	↑	↓
New Exam / NextGen Bridge (no CA component)	↓	↑↑↑↑	≈	↑	↓
Nevada Model (no skills component)	↓	≈	↓	↑	≈
Nevada Model (skills component)	↓	≈	≈	↑	≈
Nevada Model / Kaplan Bridge	≈	↑	↓	↑	≈
NextGen (CA component)	↓	↓↓↓	≈	↓	↓
NextGen (no CA component)	↓	↓↓↓	≈	↓	↓

Bar Exam Options	Notes
New Exam / Kaplan Bridge	<ul style="list-style-type: none"> *No license fee to NCBE. *Includes costs to Kaplan for the bridge and development costs to new vendors/consultants for the new exam. *Content validation and subject matter review - new baseline of \$469,000 annually for validation of Kaplan questions for first few years based on approved policies. Increasing when content validation of new questions begins. *EDG team expenses could decrease to the extent involvement in question development reduces. *Increased staff needs to support new development efforts.
New Exam / NextGen Bridge (CA component)	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *State Bar Exam Software platform costs limited to CA component. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More information on impact of shorter responses and 100% double grading with NextGen available following the grading of the beta test in February. *Question development costs for both CA component and new exam. Could terminate Kaplan contract eliminating most contracted 8/15/2027 – 3/15/2029 *Content validation of CA component only; content validation for new exam would be in out years only. *Reduced question development (although contracts could be adjusted to assist with new exam development work). *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; will need to increase exam dev staff. Staff OT costs at exam site reduced. *Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for development and possibly scoring of CA component, as well as for new practice analysis and consulting on new exam development.
New Exam / NextGen Bridge (no CA component)	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *No State Bar exam software platform costs while using NextGen. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More info on impact of shorter responses and 100% double grading with NextGen pending. *Question development costs for new exam. . Could terminate Kaplan contract eliminating most contracted costs 8/15/2027 – 3/15/2029. *No content validation until new exam questions developed. *No question development (although contracts could be adjusted to assist with new exam development work). *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; will need to increase exam dev. Staff OT costs at exam sites reduced.

Bar Exam Options	Notes
Nevada Model (no skills component)	<ul style="list-style-type: none"> *As a one-day exam, costs for test sites, proctors, Exam software and staff travel is anticipated to be reduced. * No purchase of NCBE products *Elimination of essays with only small increase in PTs results in lowered grading costs and EDG team costs, printing and delivery costs. *Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. *Content validation for MCQs and PTs. *Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required.
Nevada Model (skills component)	<ul style="list-style-type: none"> *As a one-day exam, costs for test sites, proctors, exam software and staff travel is anticipated to be reduced. However, there as yet unknown costs for a platform for the skills module. * No purchase of NCBE products. *Elimination of essays with only small increase in PTs results in lowered grading costs, EDG team costs, and printing and delivery costs. The additional skills module will at least somewhat offset the decrease in EDG team and grader costs. *Continuation of Kaplan contract to draft MCQs; extension of contract even if subjects stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. Additional development costs for the skills' module. *Content validation for MCQs and PTs and skills' module. *Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required. Psychometric support for new module also required.
Nevada Model / Kaplan Bridge	<ul style="list-style-type: none"> *Exam administration costs stay the same as exam is in development and Kaplan questions used. * No purchase of NCBE products. *Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. Additional development costs for the skills' module if included. *Content validation for MCQs and PTs and skills module, if applicable. *EDG team expenses could decrease to the extent involvement in question development reduces. *Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required. Psychometric support for new module also required, if applicable.

Bar Exam Options	Notes
NextGen (CA component)	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *State Bar Exam Software platform costs limited to CA component. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More info on impact of shorter responses and 100% double grading with NextGen pending. *Question development costs for CA component only. Would eliminate or reduce contracted costs for Kaplan Exam Services with early termination penalty paid in 2027. *Content validation of CA component only. *No question development work for EDG team (although contracts could be adjusted to assist with development of CA component). *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; current exam development staffing sufficient for CA component. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs. *Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for development and possibly scoring of CA component.
NextGen (no CA component)	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *No State Bar exam software platform for NextGen. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More info on impact of shorter responses and 100% double grading with NextGen pending. *No question development costs. Termination of Kaplan contract by February 28, 2027, with early termination penalty at that time. *No content validation costs. *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; will need to increase exam dev staff for new exam development. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs. *Psychometric services provided by NCBE for grading NextGen exam; only ad hoc, psychometric services still required.

Roadmap to the Future Bar Exam

Dr. Louise Bahry
Dr. Danette McKinley

January 23, 2026

TWO POSSIBLE PATHS FOR CALIFORNIA

STATE CONTROL



NATIONAL ALIGNMENT



Path 1: The Path of State Control and Innovation

- Prioritizes Autonomy
- Unique Innovations
- Increases State Resources Needed
- Forgoes National Score Portability
- Creates Californian Standard

Path 2: The Path of National Alignment and Efficiency

- Prioritizes National Integration
- Uses established methods
- Lowers Financial and Operational Risks
- Score Portability for Candidates
- No State Specificity

Risks and Benefits



Time to Implement

Time investment to implement decision

Readiness to Implement

Resources available to implement

Accountability

Who is responsible

Risk Mitigation Control

To what extent can risk be mitigated by State Bar

Technology Need

Who controls the technology use

Personnel Need

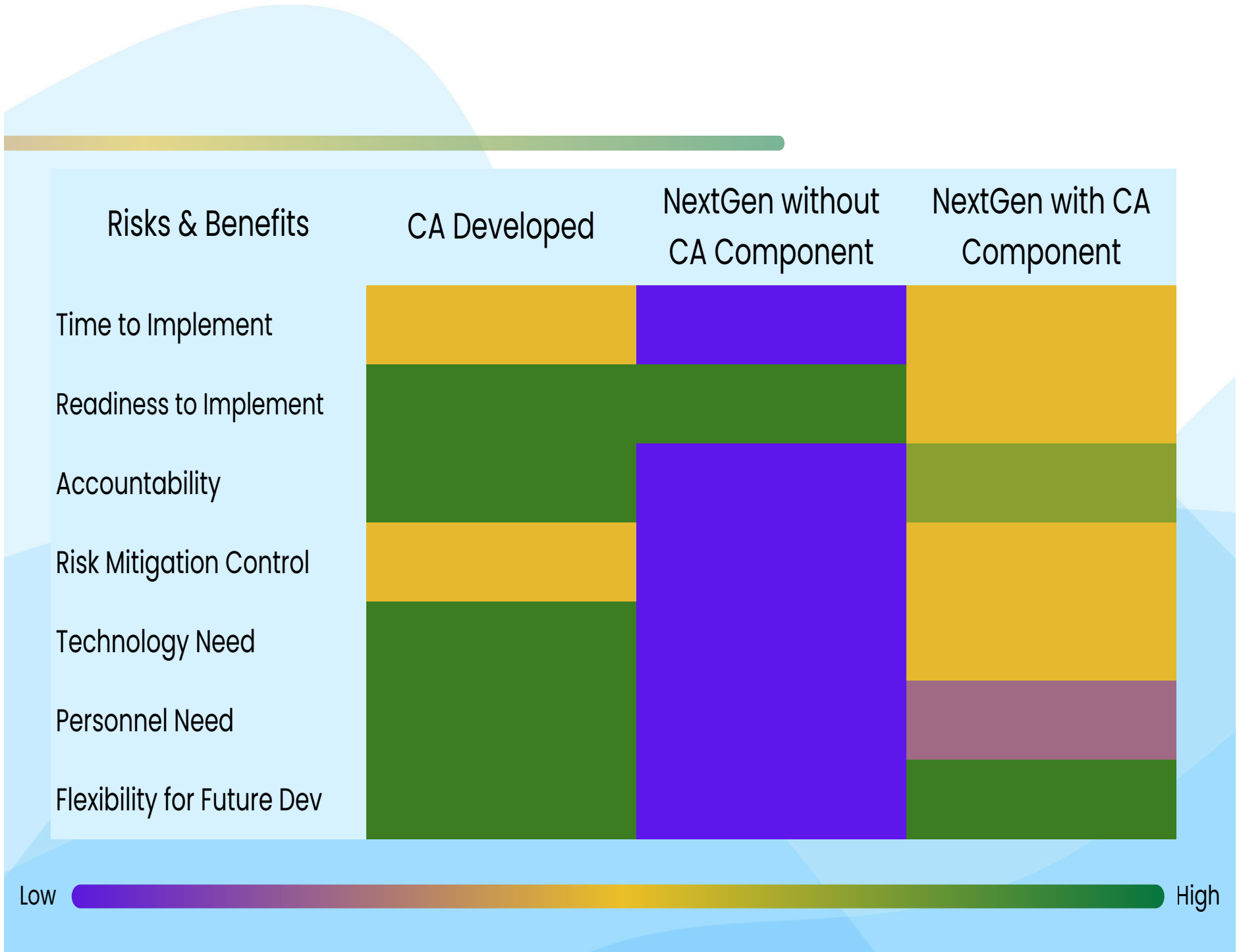
What level of personnel are needed

Flexibility for Future Development

How does this affect the ultimate decision

Financial Cost

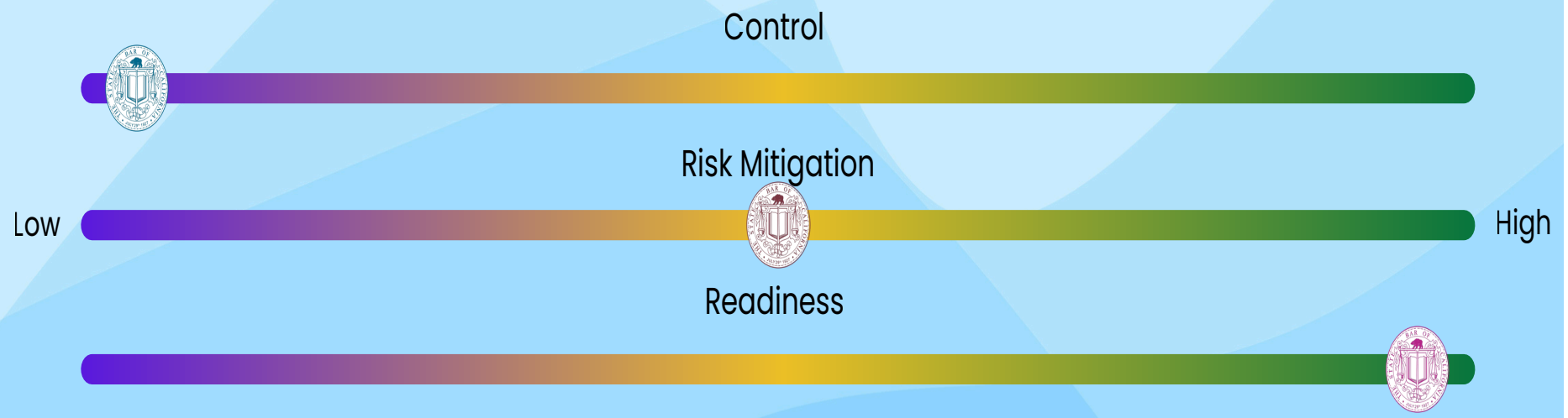
Costs inclusive of recurring and non-recurring



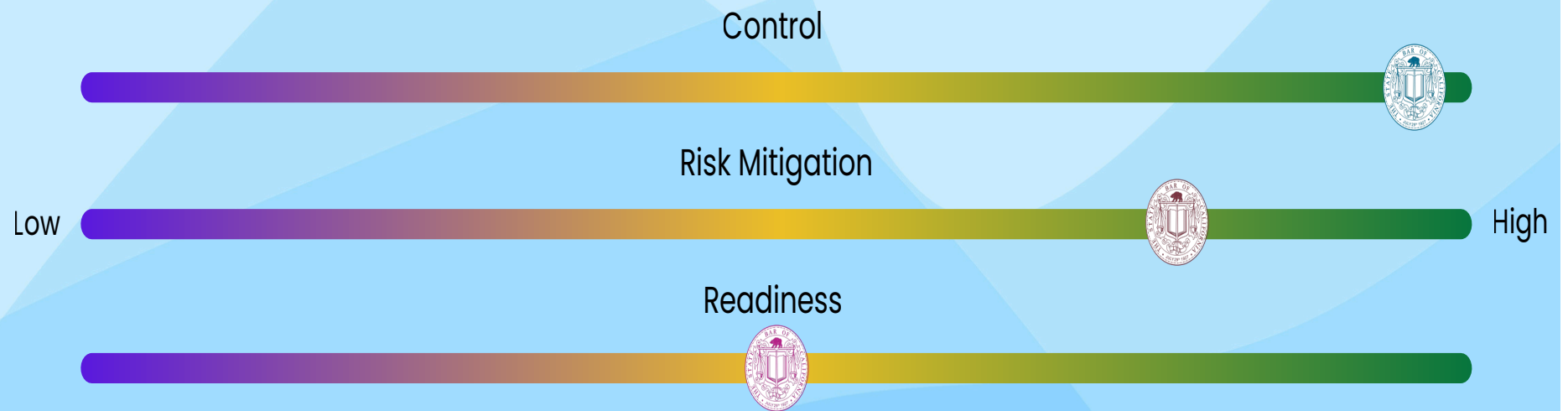
Exam Development Considerations	Develop		
	Control	Risk Mitigation	Readiness
Professional question writers and reviewers	Green	Green	Yellow
Transparency about skills and content tested	Green	Green	Light Green
Innovative question formats	Green	Green	Purple
Fairness, equity	Green	Green	Light Green
Rules for repeat attempts	Green	Green	Pink
Score portability	Yellow	Yellow	Purple



Exam Development Considerations	Adopt		
	Control	Risk Mitigation	Readiness
Professional question writers and reviewers	Control	Risk Mitigation	Readiness
Transparency about skills and content tested	Control	Risk Mitigation	Readiness
Innovative question formats	Control	Control	Control
Fairness, equity	Control	Risk Mitigation	Risk Mitigation
Rules for repeat attempts	Control	Control	Control
Score portability	Control	Readiness	Readiness



Exam Administration Considerations	Develop		
	Control	Risk Mitigation	Readiness
Administration platform	Green	Yellow-Green	Yellow
Technology use/orientation	Green	Yellow-Green	Purple
Innovative question formats	Green	Green	Blue
Fairness, equity	Green	Green	Purple
Logistics for repeat attempts (if repeating what was failed)	Green	Green	Blue



Exam Administration Considerations

Adopt

Control

Risk Mitigation

Readiness

Administration platform

Technology use/orientation

Innovative question formats

Fairness, equity

Logistics for repeat attempts (if repeating what was failed)

Control



Risk Mitigation

Low



High

Readiness



Risks and Benefits by Option - 2028 Implementation

Risks & Benefits	Bridge to New Exam				Newly Developed Exam		Exam Adoption	
	1: CA Developed - Kaplan Bridge	2: CA Developed NG Bridge w/o CA Comp.	3: CA Developed NG Bridge w/ CA Comp.	6: Streamlined CA Exam - Kaplan Bridge	5: Streamlined CA Exam w/Module	4: Streamlined CA Exam	7: NextGen Exam w/o CA Comp.	8: NextGen Exam w/CA Comp.
Time to Implement	Yellow	Purple	Yellow	Yellow	Green	Light Green	Purple	Yellow
Readiness to Implement	Green	Green	Yellow	Green	Yellow	Green	Green	Yellow
Accountability	Green	Purple	Light Green	Green	Green	Green	Purple	Light Green
Risk Mitigation Control	Yellow	Purple	Yellow	Yellow	Yellow	Yellow	Purple	Yellow
Technology Need	Green	Purple	Yellow	Green	Green	Green	Purple	Yellow
Personnel Need	Green	Purple	Light Purple	Green	Green	Green	Purple	Light Purple
Flexibility for Future Dev	Green	Purple	Green	Green	Green	Green	Purple	Green



Risks and Benefits by Option - Final Implementation

Risks & Benefits	1: CA Developed - Kaplan Bridge	2: CA Developed NG Bridge w/o CA Comp.	3: CA Developed NG Bridge w/ CA Comp.	6: Streamlined CA Exam - Kaplan Bridge
Time to Implement	Yellow	Dark Green	Light Green	Yellow
Readiness to Implement	Dark Green	Purple	Light Green	Dark Green
Accountability	Dark Green	Dark Green	Dark Green	Dark Green
Risk Mitigation Control	Yellow	Purple	Pink	Yellow
Technology Need	Yellow	Dark Green	Light Green	Yellow
Personnel Need	Yellow	Dark Green	Light Green	Yellow

Low  High



The State Bar of California

OPEN SESSION

AGENDA ITEM

3.3 JANUARY 2026

JOINT BOARD OF TRUSTEES AND COMMITTEE OF BAR EXAMINERS

DATE: January 23, 2026

TO: Members, Board of Trustees and Committee of Bar Examiners

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

SUBJECT: Discussion and Action, if Appropriate, on Roadmap to the Future California 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 2028 and beyond. This item is a continuation of the discussion started on May 22, 2025, when the Board adopted guiding principles, it wanted to take into consideration in developing recommendations for the future bar exam. The CBE is tasked with developing a recommendation for 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 as to whether to continue the path we were on, as set out in the Court's October 10, 2024, order, or to forge a different path.

To assist the CBE and the Board in developing their recommendations, staff has been supplementing the information about the bar exam options initially discussed at the August 14, 2025, joint meeting of the Board and the CBE and any other options that evolve as these discussions continue. Discussion have occurred at the October 10, 2025, CBE meeting, the November 20, 2025, Board meeting, and the December 2025, CBE meeting. Further discussions are planned for the CBE's Subcommittee on Examination Development, and CBE's March and April 2026 meetings. The planned culmination of these conversations will occur in May 2026, when the final recommendation to the Supreme Court will be decided.

This staff report includes updated information learned since the last presentation. The presentation accompanying this staff report will continue the efforts to help CBE and the Board grapple with the many decisions that must be made to shape a comprehensive recommendation to the Supreme Court and provide the statutorily required notice if there are to be changes in the exam. The discussion of this item will also include a presentation from Kaplan Exam Services, the current vendor creating multiple-choice, essay, and performance test questions for the State Bar, as well as a roundtable with six California law school deans, representing ABA-approved law schools, California accredited law schools, and California unaccredited law schools. Attached to this staff report are additional analyses and information to inform the decision making.

RECOMMENDED ACTION

Because there are numerous decisions that flow from the initial decision of which high level option the Board of Trustees will be recommending to the Supreme Court, staff strongly encourage the Board and the CBE, based on the information provided about risks, benefits, costs, goal alignment, and stakeholder input, to adopt a recommendation as to the bar exam to administer in 2028 and whether that exam is a bridge while a different exam option is under development.

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) for decades.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.

Following the challenges experienced with the February 2025 bar exam, the Board and the CBE have begun discussing different options that could serve as the next bar exam to administer in California, or that will be used as the next bar exam following a development effort:

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.

- A New California Bar Exam
 - A new exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5+ year development timeline), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance tests.³
 - A new exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5 + year development timeline), use the NCBE’s NextGen UBE without adding a California-specific component
 - A new exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5 + year development timeline), use the NCBE’s NextGen UBE with a California-specific component.
 - A new but streamlined California exam similar to the model adopted by Nevada. The exam would be limited to MCQs and PTs and is intended to be ready for administration in July 2028.⁴
 - A new but streamlined California exam similar to the model adopted by Nevada with an online module (or other delivery) to assess skills that are difficult to measure through traditional formats (e.g., client counseling).
 - A new but streamlined California exam similar to the model adopted by Nevada. Until the new exam is ready to administer, return to Kaplan MCQs and California essays and performance tests.

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

The Supreme Court identified some factors to consider in developing the final 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 Board⁵:

- 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

³ California has a bank of essays and PTs from its prior development efforts; in addition, that bank will be supplemented by essays and PTs delivered by Kaplan pursuant to its contract with the State Bar, after appropriate content validation processes.

⁴ Depending on the content to be tested, and the Board and CBE’s risk tolerance, the Board and CBE may elect to bridge to this option with content aligned with that being administered currently. That is the last option currently listed in this grouping of California developed bar exams.

⁵ 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).) Some of these points of analysis or comparison may be more applicable in transitioning the exam driver or exam administration vendor than in transitioning to a new bar exam.

for the State Bar and the examinees.⁹

- 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.

UPDATES

Since the presentation to CBE in December 2025, staff has continued to explore the different options, evaluate pros and cons, think through the implications of each option, and engage stakeholders. Highlights are set forth below.

Law School Stakeholders

At the November 2025 meeting of the Board and the December 2025 meeting of the CBE, information was shared about the results of the survey of California law school deans. (See Attachment A). At today's meeting, the Board and CBE will be able to engage with deans to delve into their thoughts to help shape the recommendations. However, on January 13, at the quarterly engagement meetings held with State Bar representatives and California law school deans, the focus was on the topic of the future bar exam. Joining the deans at these meetings were academic success and bar preparation faculty. Below are some highlights from those discussions that may assist the Board and the CBE in their preparation for the roundtable with the deans.

ABA-approved law schools expressed a strong preference for adopting the NextGen UBE without a California-specific component. While acknowledging that the NextGen UBE may have its own flaws, participants stated that, given current challenges, it is the most viable choice. They cited unmatched investment by NCBE in question development, validation, and pretesting, as well as significant concerns about the State Bar's capacity to develop a reliable exam. When asked whether recent improvements in the State Bar's question development processes – specifically the content validation and subject matter expert review -- eased these concerns, participants responded that they did not. Participants cautioned about the risk of the State Bar losing legitimacy if it could not deliver on the promise of a new bar exam, and the impact on the profession as a whole if there is distrust in the State Bar as an institution.

Deans highlighted several benefits of adopting the NextGen UBE, including score portability, which would enhance career flexibility; a national network of applicants preparing for the same exam; and access to professionally developed preparation resources. One dean noted that

⁹ At its October 10, 2025, 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 each option supports is an important step in ultimately developing the recommendation to advance.

NCBE has already published extensive materials about the NextGen UBE, creating early awareness among applicants and stakeholders. One administrator added that most administrators nationwide are preparing for the NextGen UBE, and retaining a separate California exam would require schools to develop materials for both exams, creating inefficiencies. Another noted that with so many jurisdictions adopting NextGen, bar preparation programs are orienting their curricula and materials to NextGen.

ABA-approved schools generally opposed adding a California-specific component onto the NextGen UBE. Adding California content, they warned, could increase cognitive load, create testing scenarios where applicants would be responsible for answering questions on day 1 under generally applicable legal theories, any answering questions on day 2 using California law that is directly contrary. They noted it would also force schools to divert resources away from experiential learning to offer additional courses covering bar-tested subjects. If such a component were adopted, participants favored a lower-stakes online assessment to ensure familiarity or exposure to California-specific topics, not an assessment of knowledge of law. There was limited interest in Nevada’s streamlined exam and no support for developing a new California-specific exam under the Supreme Court’s October 2024 directive.

CALS schools most frequently ranked adoption of the NextGen UBE with a California-specific component as their preferred option in the survey. During discussions, some participants acknowledged that including a California component could negate many benefits of adopting NextGen UBE, such as reducing the number of tested subjects. As a result, they expressed support for adopting NextGen UBE without a California-specific component or with a lower-stakes assessment administered online as described above, noting that applicants typically acquire California-specific legal knowledge during early practice.

CALS participants echoed ABA-approved schools in expressing interest in score portability, noting that multijurisdictional practice has become so commonplace that the ability to be licensed in several jurisdictions is very important. While some participants indicated interest in a “streamlined” exam modeled after what is being done in Nevada, CALS schools strongly opposed developing a new California-specific exam aligned with the direction of the Supreme Court in October 2024, citing concerns about expanding tested subjects, which they viewed as inconsistent with national trends toward reducing memorization.

Unaccredited law schools initially ranked a “streamlined” California exam similar to Nevada’s approach as their preferred option in the survey, but discussions revealed significant openness to adopting the NextGen UBE. They also expressed interest in score portability, though acknowledged uncertainty about whether other jurisdictions would accept scores from non-ABA graduates.

Participants found the Nevada model appealing because it could allow earlier administration of some components of the exam, enabling students to gauge readiness and reduce costs. They emphasized flexibility in exam structure and timing as a means to improve accessibility, suggesting that decoupling components could allow multiple administrations per year, benefiting nontraditional students whose graduation timelines do not align with the current

February and July schedule. In fact, one noted that the ability for more frequent administration of the exam was more important than cost accessibility. Unlike ABA and CALS schools, unaccredited schools expressed less concern about the State Bar's capacity to develop its own exam.

All groups focused on the importance of long-term continuity and raised concerns about the notion of rolling out successive changes to the bar exam.

Other Stakeholders

On December 6, a similar survey was issued to the Board and the CBE. In addition to questions asked of the law school deans about the relative importance of various considerations that might shape the recommendation for the bar exam option to be selected, as well as a ranking of the different bar exam options, the Board/CBE survey also included questions about the relative importance of the guiding principles adopted by the Board in May 2025 and the CBE in August 2025.

On January 5, similar surveys were sent to all California licensees, past and prospective bar exam applicants who registered with the State Bar within the past 5 years, disability rights organizations, and bar associations in California. These surveys did not include questions asked of the Board and CBE or the law school deans about the purpose of a California component if the NextGen UBE were to be selected as the future bar exam, and how that component should be administered. These surveys also refined the definition of "cost and access considerations" that was included in the list of considerations for exam development. Finally, these surveys continued to ask about the importance of testing California law, but did not include among the considerations for the type of exam that it aligned with the knowledge, skills, and abilities required for entry level practice in California. These surveys close on January 16. As of Wednesday, January 14 at 12:30 p.m., over 13,500 responses had been received. Attachment C will provide preliminary analysis of those responses in advance of the January 23, meeting.

NextGen UBE

On January 9 and 10, 2026, NCBE conducted a beta test of the NextGen UBE.¹¹ Approximately 1,500 test takers participated at 4 locations across the country. Two State Bar staff, Chief of Admissions Donna Hershkowitz and Program Director Tara Clark observed at the Dallas, Texas location. Observation of the beta test help shape some of the information included in the cost analysis set forth at Attachment E.

NCBE sent a survey to test takers following the exam. Preliminary results are anticipated in March, with final results available in May. Informal reports and observations suggest that the ITS platform used to administer the exam was stable and appeared user friendly. Applicants could easily highlight question content in multiple colors, cut and paste, use the notes field, zoom in and out to increase or decrease the font size of the question or answer, use spell check, size the question and answer windows, and switch between light and dark mode for the question window, the response window, and the notes window. Although the exam is taken on

¹¹ Applicants with testing accommodations tested in Massachusetts, beginning on January 8.

the test takers' own laptops. NCBE has indicated that for every 100 test takers, 10 back up laptops will be available to be deployed. At the beta test, fewer than 3 percent of laptops needed to be replaced, and 29 percent of the devices that were provisioned would not have been provisioned during an actual exam because there were personal device issues. The remainder had to be replaced due to issues with the browser.

As a computer-based exam, staff observed that adoption of the NextGen UBE would create a number of efficiencies in the administration of the bar exam. Examples would include:

- Significant reduction in the amount of materials that need to be shipped to each exam site. Currently at least 30 boxes are shipped to each test site and that number could be as high as 100 or more at a larger test site.
- Reduction in the amount of preparation time needed in advance of the exam – both at the exam site as well as in office in the weeks leading up to the exam.
- Significant reduction in the number of workroom proctors. Approximately 25 percent of proctors in July and 10 percent of proctors in February are assigned to the workrooms. With the elimination of paper, except as approved as a testing accommodation, very few workroom proctors will be required.
- Reduction in the space we need to contract for a workroom.
- Possible change in floor proctor / applicant ratios because there are significantly fewer tasks a floor proctor needs to perform, reducing the number of proctors required.
- Reduction in the time needed after the end of each day's testing to gather materials, release applicants, release proctors, and release staff. Having proctors and staff complete their responsibilities earlier will reduce proctor costs and overtime costs for staff.

State Bar staff will be prepared to discuss their observations about the NextGen exam further with the Board and CBE as appropriate at the meeting.

PREVIOUS ACTION

December 5, 2025: Presentation to the CBE with an update on new information and providing the opportunity to hear directly from NCBE and Nevada:

- [Presentation](#)
- [Staff Report](#)
- [Materials Related to the NextGen UBE](#)
- [Materials Related to the Nevada Comprehensive Licensing Exam](#)

November 21, 2025: Presentation to the Board with an update on what was presented to CBE on October 10, 2025, and including information learned since the CBE meeting:

- [Presentation](#)
- [Staff Report](#)
- [Survey of CA Law School Deans: Preliminary Results](#)

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/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.

FISCAL/PERSONNEL IMPACT

Attachment E is intended to provide a high-level exploration of the cost implications of each of the options currently under consideration. The analysis compares each option to the current costs of developing and administering a bar exam based on the costs of the July 2025 bar exam and the anticipated costs of the February 2026 bar exam, or where more appropriate, the annualized 2026 costs. The analysis indicates if the costs would be roughly equivalent (≈) or would result in cost increases or decreases. The analysis attempts to estimate if the cost increases for each item of expense is up to \$500,000 (↑), between \$500,000 and \$1 million (↑↑), or more than \$1 million (↑↑↑). Similarly, the analysis attempts to estimate if the cost decreases for each item of expense \$500,000 or less (↓), between \$500,000 and \$1 million (↓↓), or more than \$1 million (↓↓↓). The analysis assumes that even if the option implemented is a California developed exam, there will be no movement towards a remote

exam or to smaller vendor-operated test centers for several years. For more information about the assumptions, please see Attachment E.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

- a. 2. Revise admissions requirements to be more relevant to the practice of law in alignment with the recommendations of the Blue Ribbon Commission on the Future of the Bar Exam.

RESOLUTIONS

Should the Committee of Bar Examiners concur, it is:

RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees identifies for further research and development, prior to making a recommendation to the California Supreme Court, the following as the bar exam option to be administered in _____(month) 2028: _____; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees identifies for further research and development, prior to making a recommendation to the California Supreme Court, the following bar exam option to take the place of the above and be administered following completion of the exam development process.

Should the Board of Trustees concur, it is:

RESOLVED, that the Board of Trustees, upon recommendation of the Committee of Bar Examiners, identifies for further research and development, prior to making a recommendation to the California Supreme Court, the following as the bar exam option to be administered in _____(month) 2028: _____; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Committee of Bar Examiners, identifies for further research and development, prior to making a recommendation to the California Supreme Court, the following bar exam option to take the place of the above and be administered following completion of the exam development process.

ATTACHMENTS LIST

- A.** Findings of Survey of California Law School Deans
- B.** Findings of Survey of Board of Trustees and Committee of Bar Examiners
- C.** Key Findings of Other Stakeholders' Surveys
- D.** Presentation from Kaplan Exam Services
- E.** High-Level Exploration of Cost Implications of Bar Exam Options

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.

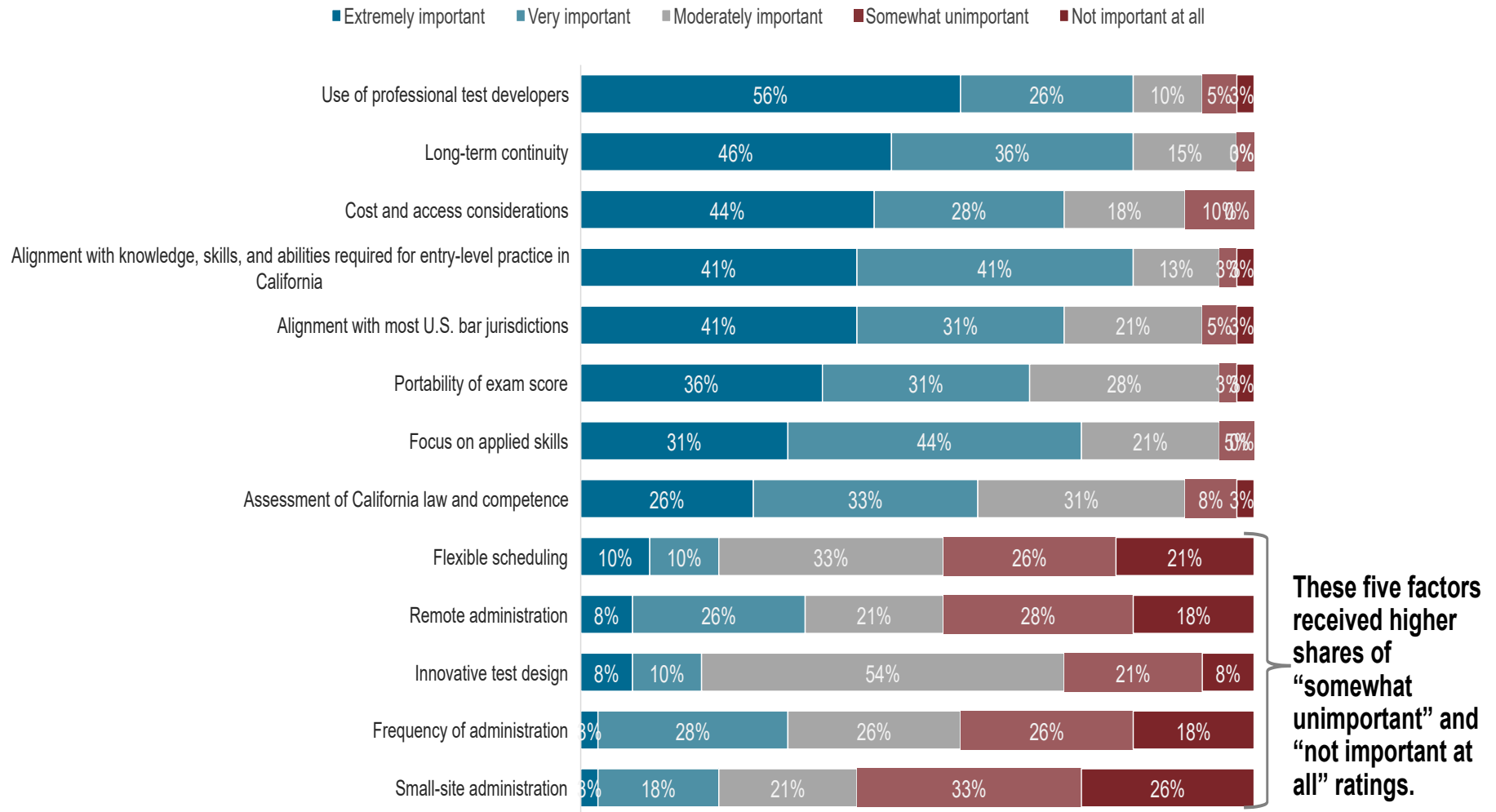
- Across all schools, the average recommended minimum period is **4.1 years**.
- ABA schools recommend the longest period (average = 4.4 years), with nearly half (47%) supporting 5 years.
- CALS have a similar pattern (average = 4.1 years), with roughly equal support for 3–5 years.
- Unaccredited schools 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.

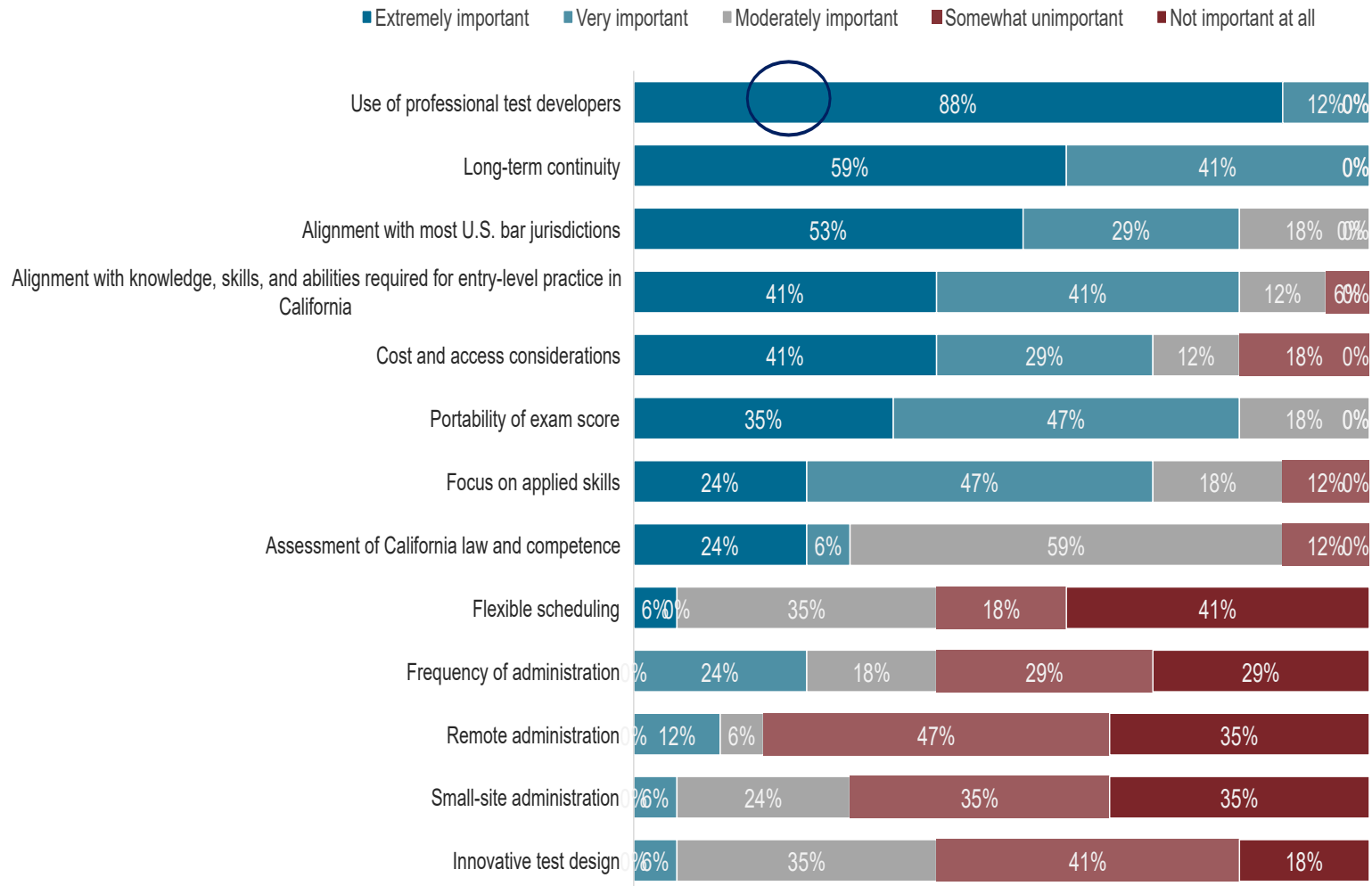
Factor	Description
Alignment with knowledge, skills, and abilities required for entry-level practice in California	The exam's content is aligned with the 2020 California Attorney Practice Analysis (CAPA) conducted by the State Bar.
Use of professional test developers	The exam is developed and validated 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.



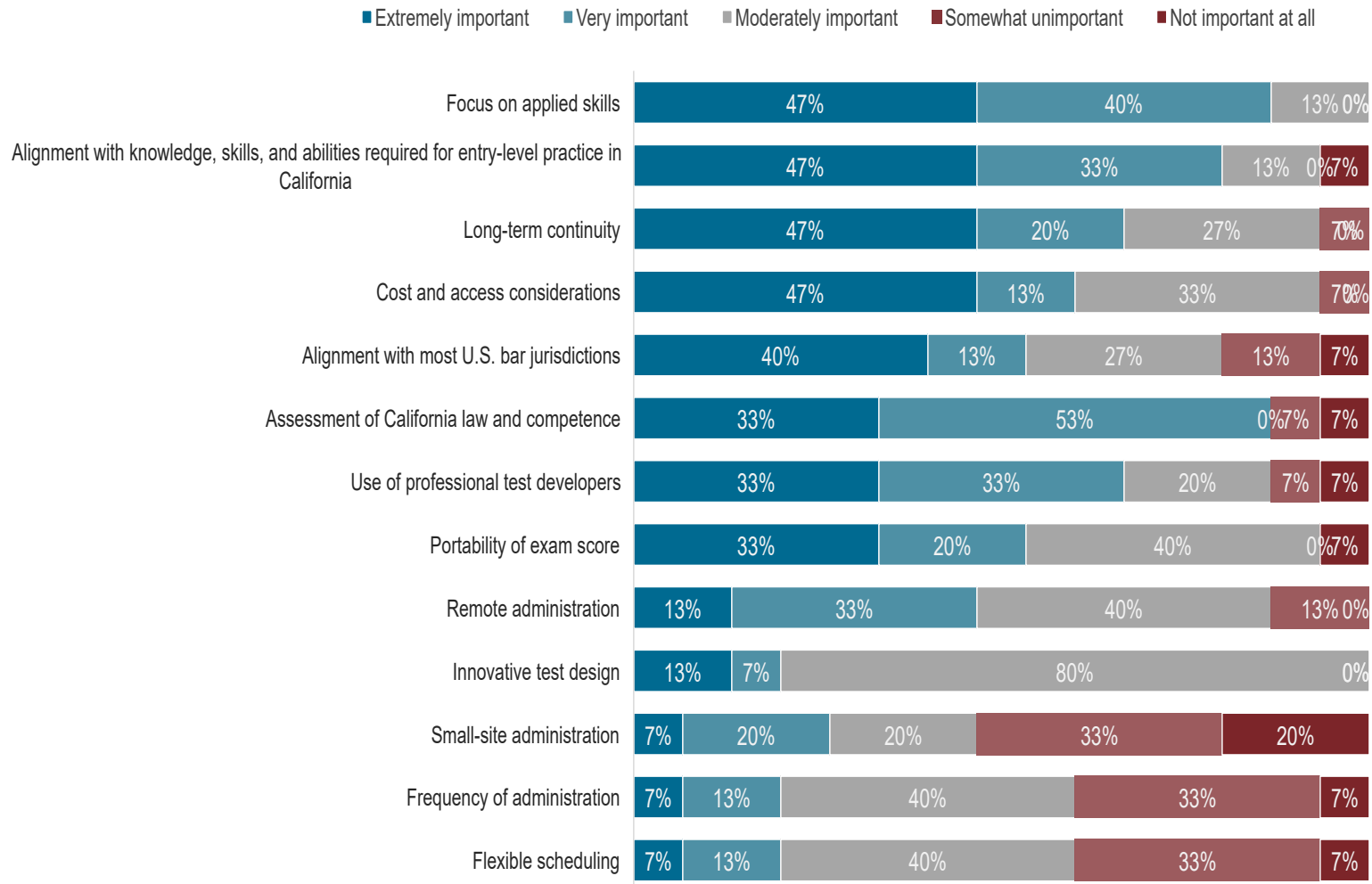
Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

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.



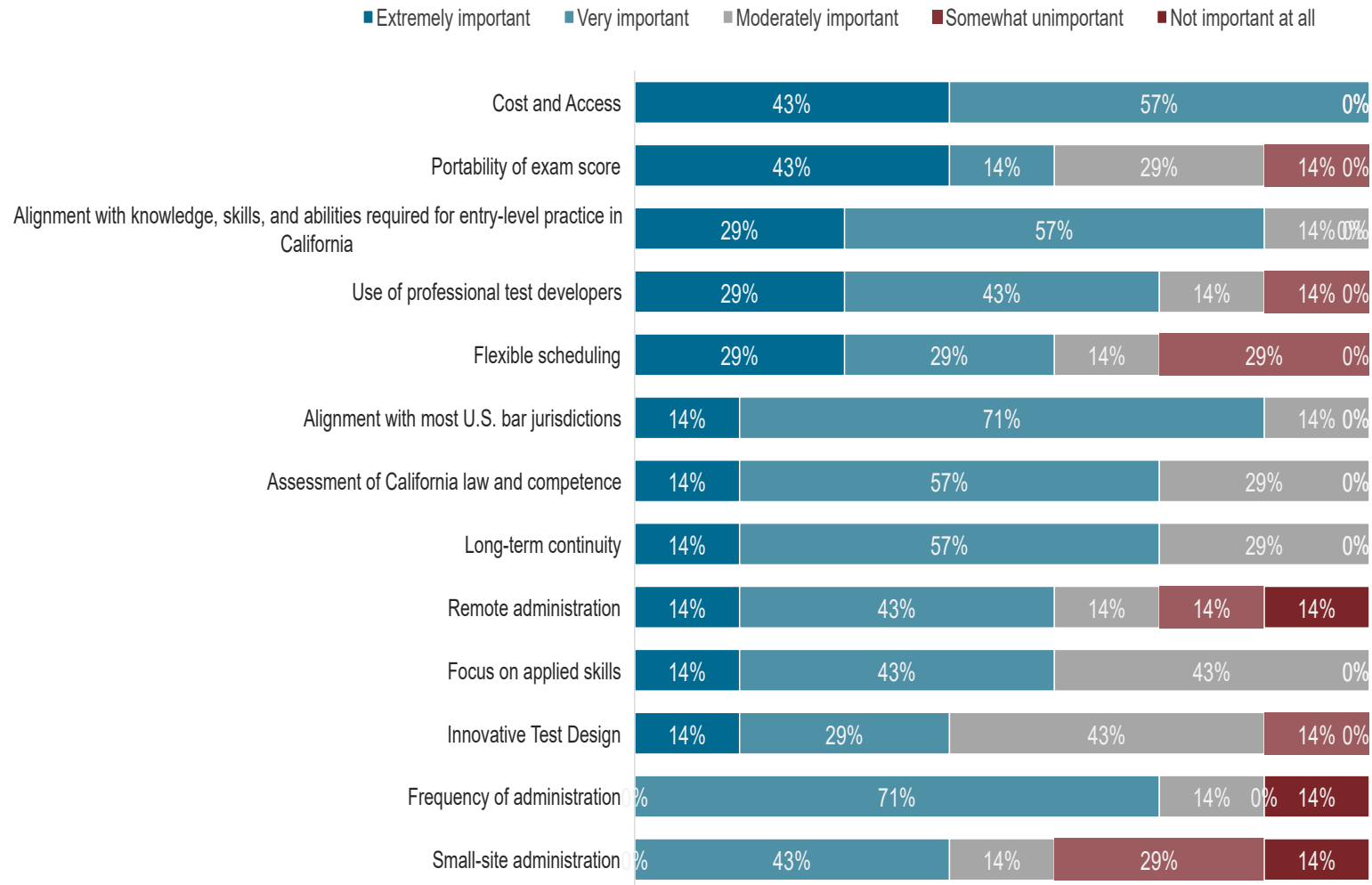
Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

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.



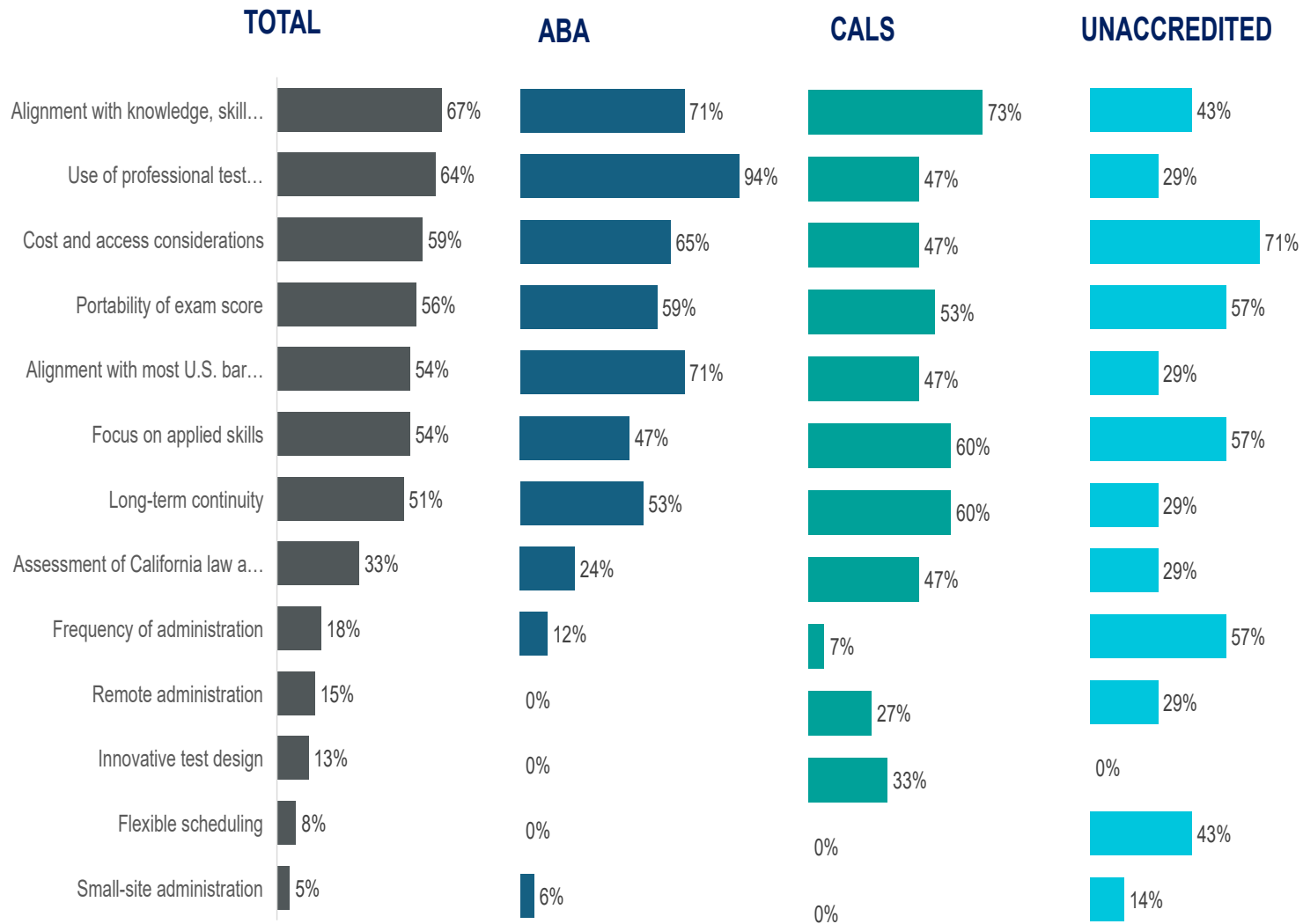
Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

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.

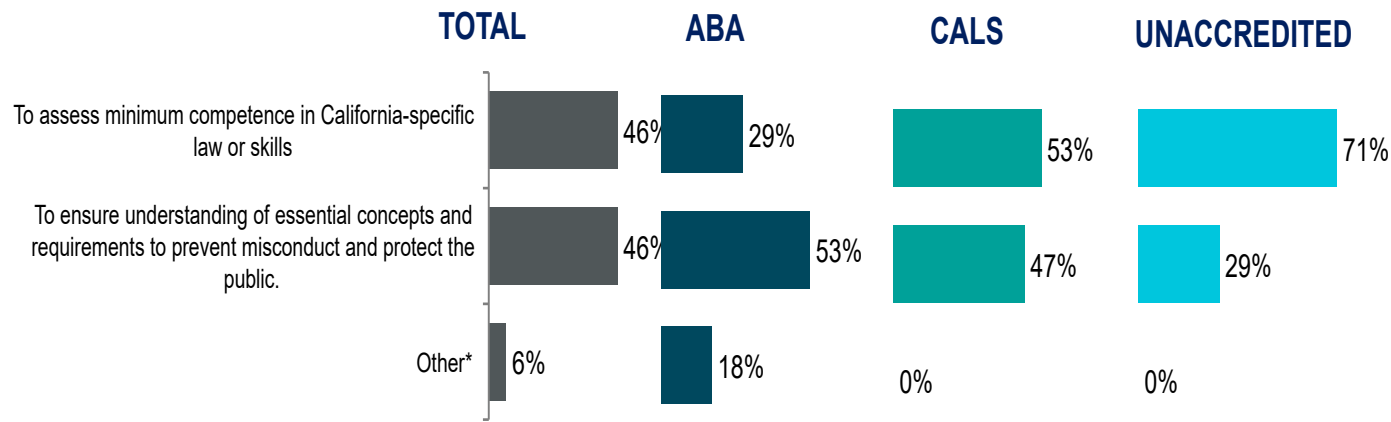


Purpose of California-Specific Component

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:

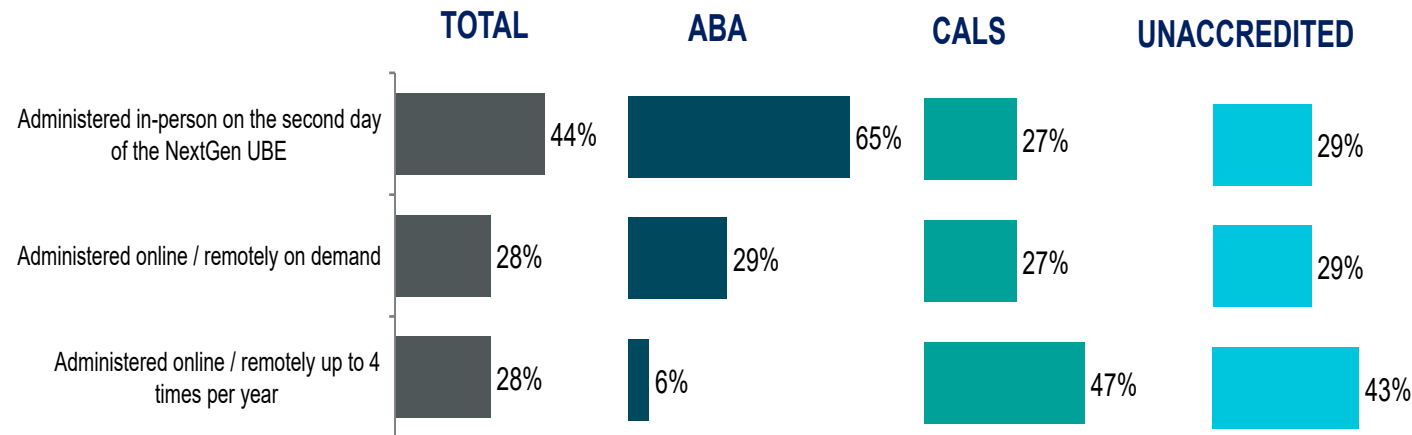
- "If a CA-specific component is relatively straightforward and not high stakes (e.g., more like the MPRE than the UBE), then there's more flexibility in the methods of delivery."
- "The NextGen UBE is designed around foundational lawyering tasks rather than memorizing jurisdiction-specific doctrines. 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.



Survey of Board of Trustees and Committee of Bar Examiners Preliminary Results

Survey response rates:

BOT: 69% (9 out of 13)

CBE: 76% (13 out of 17)

Last updated: January 21, 2026



The State Bar of California

Guiding Principles and Priorities

Question: How important is each of the following guiding principles and priorities for the CBE and Board to consider in developing the bar exam of the future?

- Extremely Important
- Very Important
- Moderately Important
- Somewhat Important
- Not at all Important

The Board and CBE identified 15 guiding principles and priorities (hereafter, “priorities”) to inform decisions about the bar exam of the future (see next slide). The priorities were grouped to distinguish broad agreement from differences in emphasis and to identify principles with lower overall priority, enabling clearer interpretation and more targeted discussion.

Category	Definition
Shared Priorities	Priorities with strong shared support, defined as at least 60% of both Board and CBE rating them “Extremely Important” or “Very Important.”
Areas of Divergent Emphasis	Priorities that both groups consider important but emphasize to different degrees.

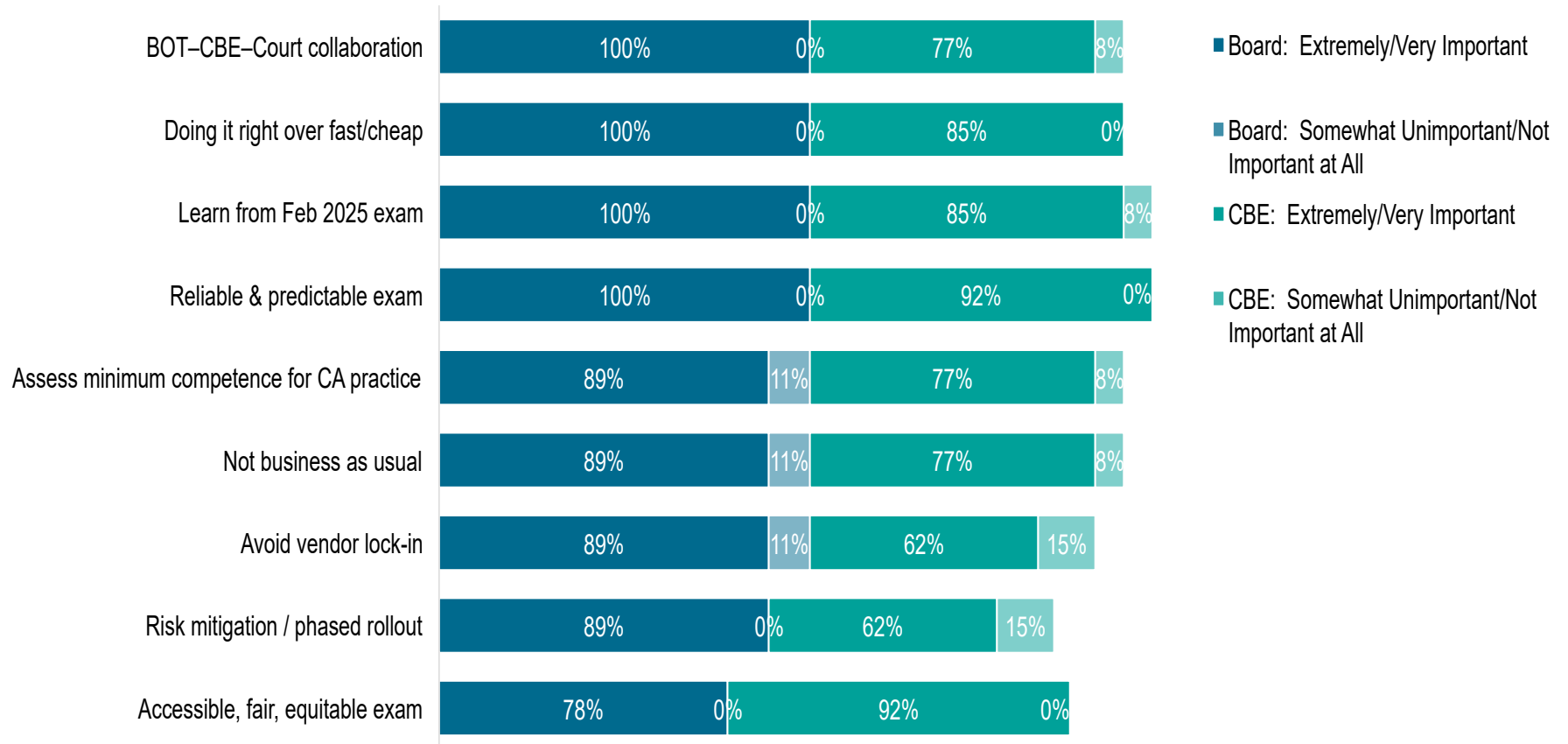


15 Guiding Principles and Priorities

Original language in survey	Label used in analyses
Avoid locking the State Bar into long-term vendor contracts to provide flexibility in licensing innovation	Avoid vendor lock-in
Caution cannot trump innovation	Innovation over caution
Consider both remote and in-person options	Remote & in-person options
Consider developing an exam that can be delivered on a more frequent basis than 2 times per year	More frequent exam administration
Consider how the exam can be paid for	Exam financing
Deliver a reliable and predictable exam	Reliable & predictable exam
Deliver an exam that appropriately assess for minimum competence to practice law in California	Assess minimum competence for CA practice
Doing it right is more important than doing it fast or cheap	Doing it right over fast/cheap
Exam must be accessible, affordable, fair, and equitable for test takers	Accessible, fair, equitable exam
If changes are made, minimize risk with phased rollouts, proceeding with caution, and using a proven technology with appropriate testing	Risk mitigation / phased rollout
Improve work with stakeholders such as law schools and legislative partners	Stakeholder engagement
Learn lessons from the February 2025 Bar Exam before moving to a remote online exam	Learn from Feb 2025 exam
Partner with law schools to test exam administration platforms/approaches	Partner with law schools
Promote strong collaboration between BOT, CBE, and Supreme Court	BOT–CBE–Court collaboration
We can't rely on "business as usual" to drive the approach	Not business as usual

Shared Priorities

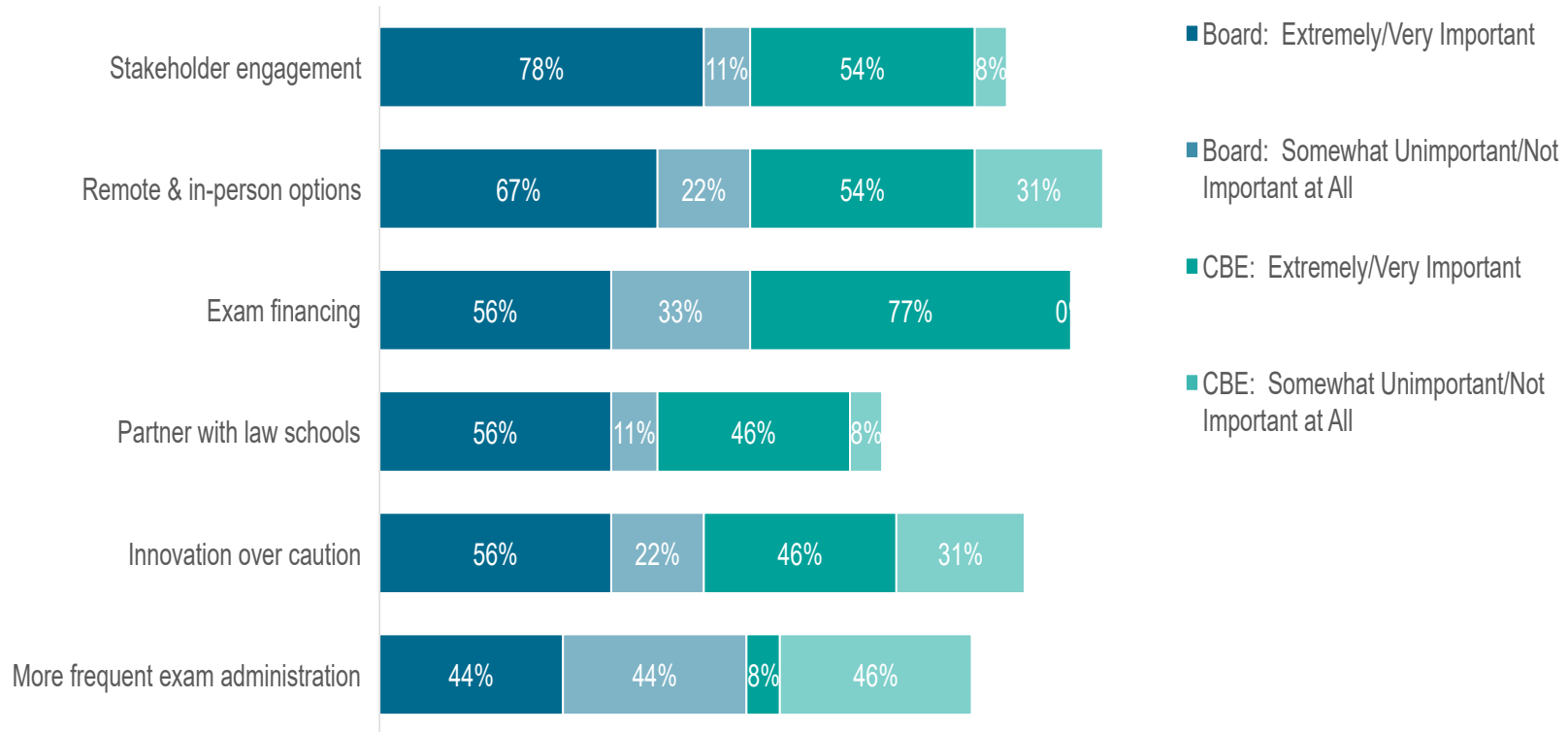
Priorities with strong shared support, defined as at least 60% of both Board and CBE rating them “Extremely Important” or “Very Important.”



Note: “Moderately Important” responses are not displayed. Due to rounding, data points presented throughout this presentation may not add up precisely to 100%.

Areas of Divergent Emphasis

Priorities that one or both groups consider important but emphasize to different degrees.



Note: "Moderately Important" responses are not displayed.

Key Findings: Areas of Divergence

Percent that rated each priority “Extremely Important” or “Very Important”

Priority	Board	CBE	Difference between Board and CBE
More frequent exam administration	44%	8%	+36
Exam financing	56%	77%	-21
Stakeholder engagement	78%	54%	+24
Remote & in-person options	67%	54%	+13
Partner with law schools	56%	46%	+10

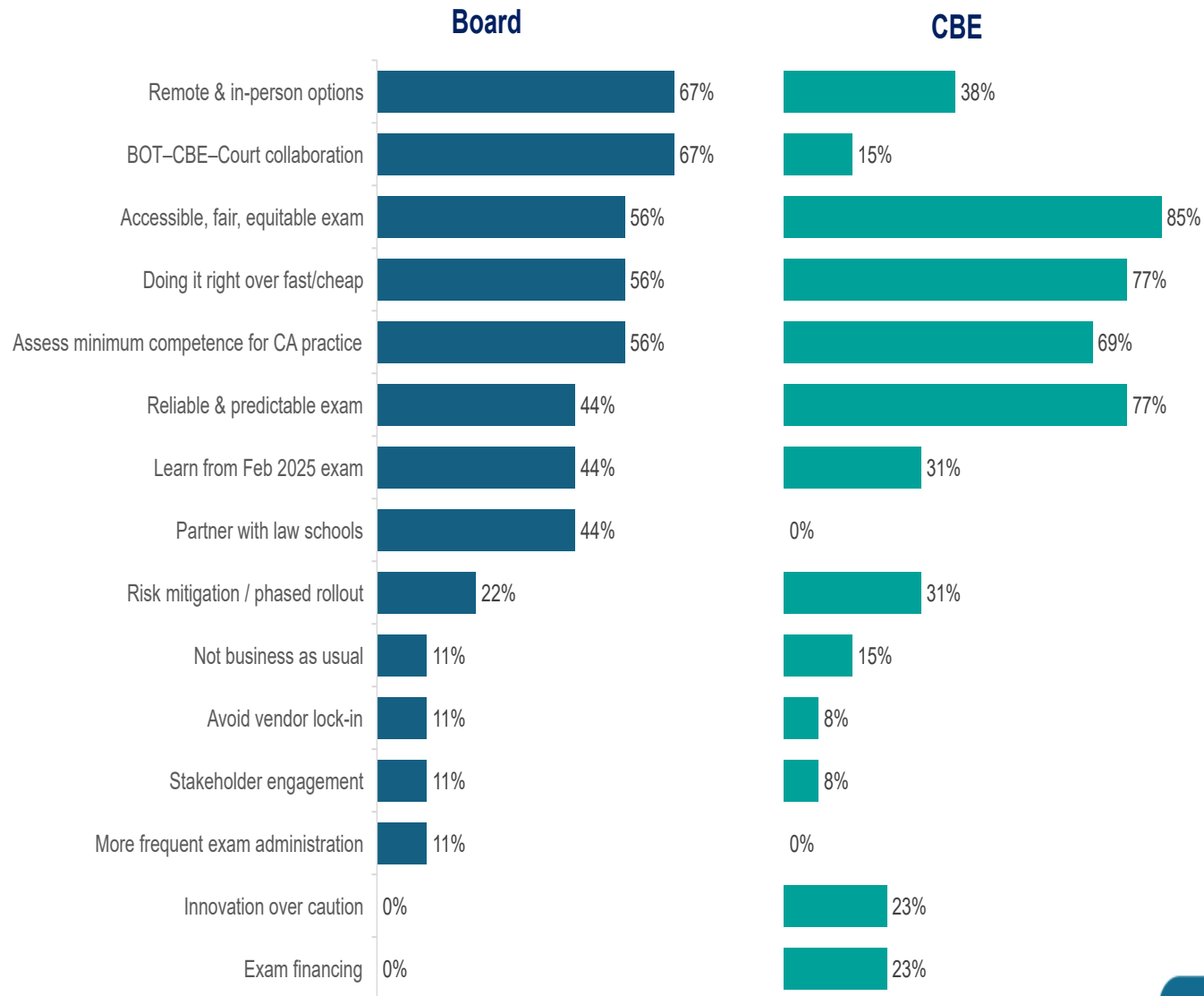
Percent that rated each priority “Somewhat Unimportant ” or “Not Important at All”

Priority	Board	CBE	Difference between Board and CBE
Exam financing	33%	0%	+33



Percent that believe each priority is among the five most important to prioritize in exam development

Question: "Of the guiding principles and priorities 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?"



Key Findings: Top Five Priorities

Priority	Board	CBE	Sharpest contrast*
Assess minimum competence for CA practice	Tier 1	Tier 1	
Doing it right over fast/cheap	Tier 1	Tier 1	
Accessible, fair, equitable exam	Tier 1	Tier 1	
Remote & in-person options	Tier 1	Tier 2	67% Board / 38% CBE
BOT–CBE–Court collaboration	Tier 1	Tier 3	67% Board / 15% CBE
Learn from Feb 2025 exam	Tier 2	Tier 2	
Reliable & predictable exam	Tier 2	Tier 1	
Partner with law schools	Tier 2	Tier 3	44% Board / 0% CBE
Risk mitigation / phased rollout	Tier 3	Tier 2	
Avoid vendor lock-in	Tier 3	Tier 3	
Innovation over caution	Tier 3	Tier 3	0% Board / 23% CBE
More frequent exam administration	Tier 3	Tier 3	
Exam financing	Tier 3	Tier 3	0% Board / 23% CBE
Stakeholder engagement	Tier 3	Tier 3	
Not business as usual	Tier 3	Tier 3	

Definitions

Tier 1: ≥ 56% selected priority among top five

Tier 2: 31–55% selected priority among top five

Tier 3: ≤ 30% selected priority among top five

Cells are shaded by tier.

* Sharp contrasts reflect priorities with the largest differences in top-five rankings between groups. Sharp contrasts may occur even when both groups place a priority in the same tier.



Factors in Exam Development

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

- Extremely Important
- Very Important
- Moderately Important
- Somewhat Important
- Not at all Important

The 13 identified factors were organized to highlight areas of broad agreement, areas where emphasis differs, and factors that neither group currently views as of high importance.

Category	Definition
Shared High-Importance Factors	Factors rated “Extremely Important” or “Very Important” by at least 60% of both Board and CBE, indicating broad agreement on their importance and low levels of lower-importance ratings.
Factors with Divergent Emphasis	Factors that at least one group views as important, but where levels of emphasis differ between Board and CBE, suggesting areas for discussion, clarification, or alignment.
Lower-Importance Factors	Factors that receive lower-importance ratings overall, reflected in lower “Extremely/Very Important” ratings and higher shares selecting “Somewhat Unimportant” or “Not Important at All.”

Factors for Exam Development

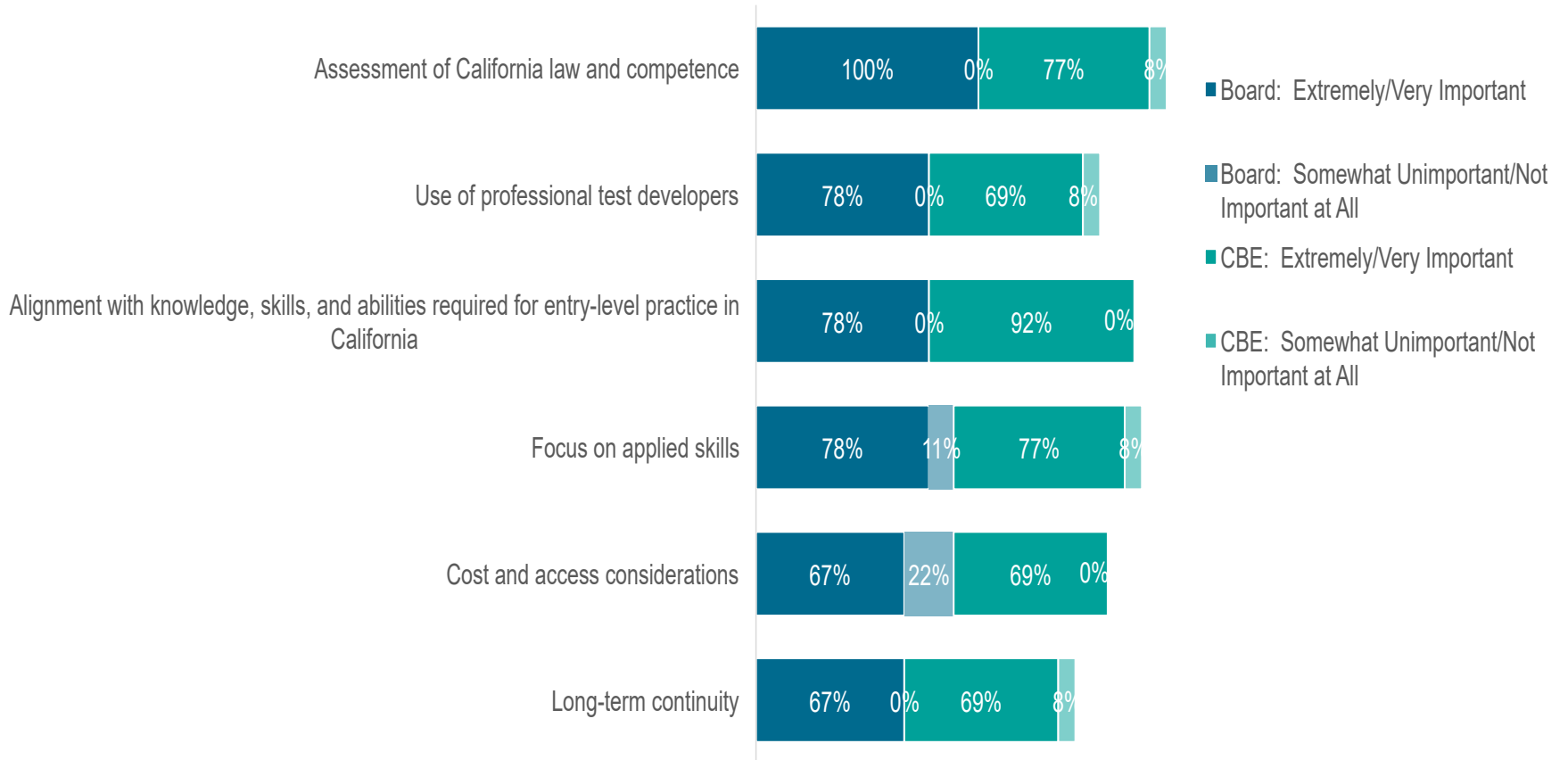
Survey respondents were presented with the following list of factors and descriptions.

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.



Shared High-Importance Factors

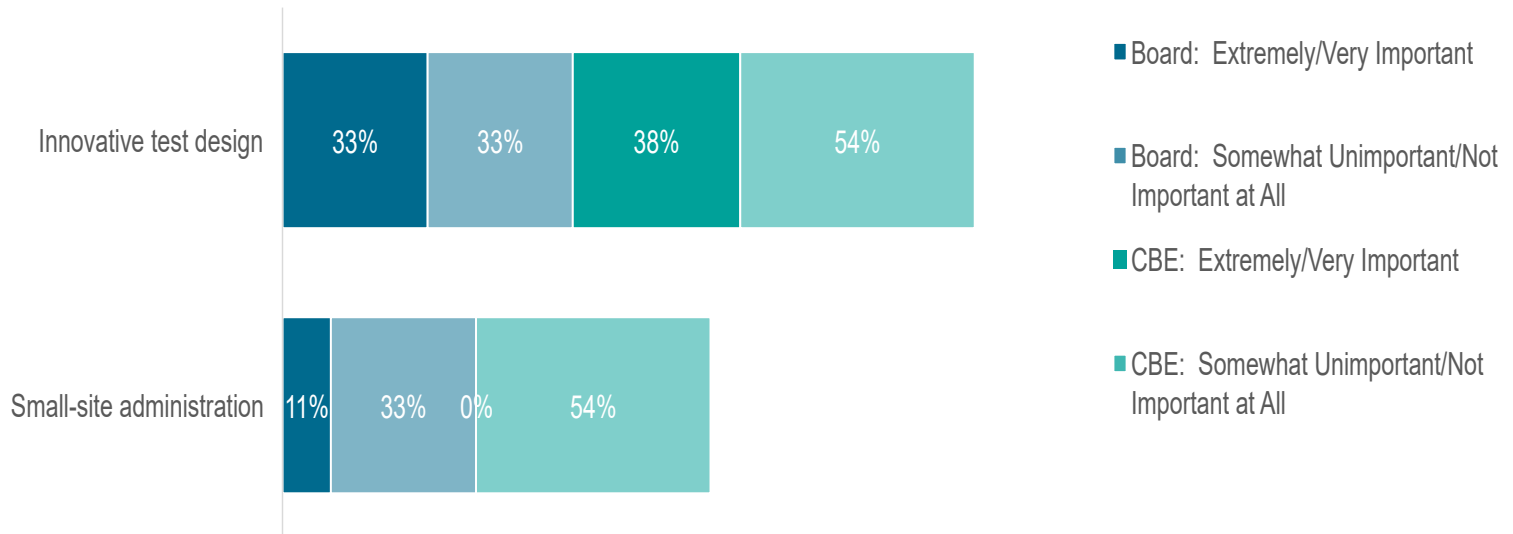
Factors rated “Extremely Important” or “Very Important” by at least 60% of both Board and CBE, indicating broad agreement on their importance and low levels of lower-importance ratings.



Note: “Moderately Important” responses are not displayed.

Lower-Importance Factors

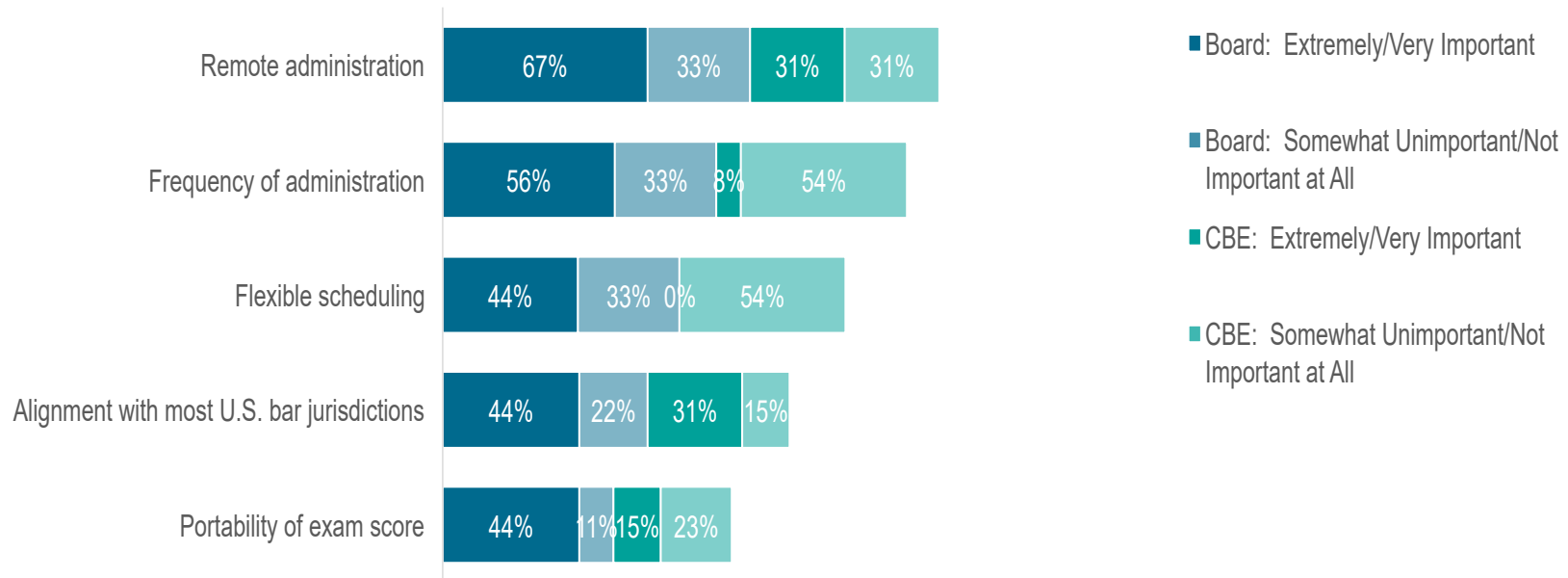
Factors that receive lower-importance ratings overall, reflected in lower “Extremely/Very Important” ratings and higher shares selecting “Somewhat Important” or “Not at all Important.”



Note: “Moderately Important” responses are not displayed.

Factors with Divergent Emphasis

Factors that at least one group views as important, but the levels of emphasis differ between Board and CBE.



Note: "Moderately Important" responses are not displayed.

Key Findings: Factors with Divergent Emphasis

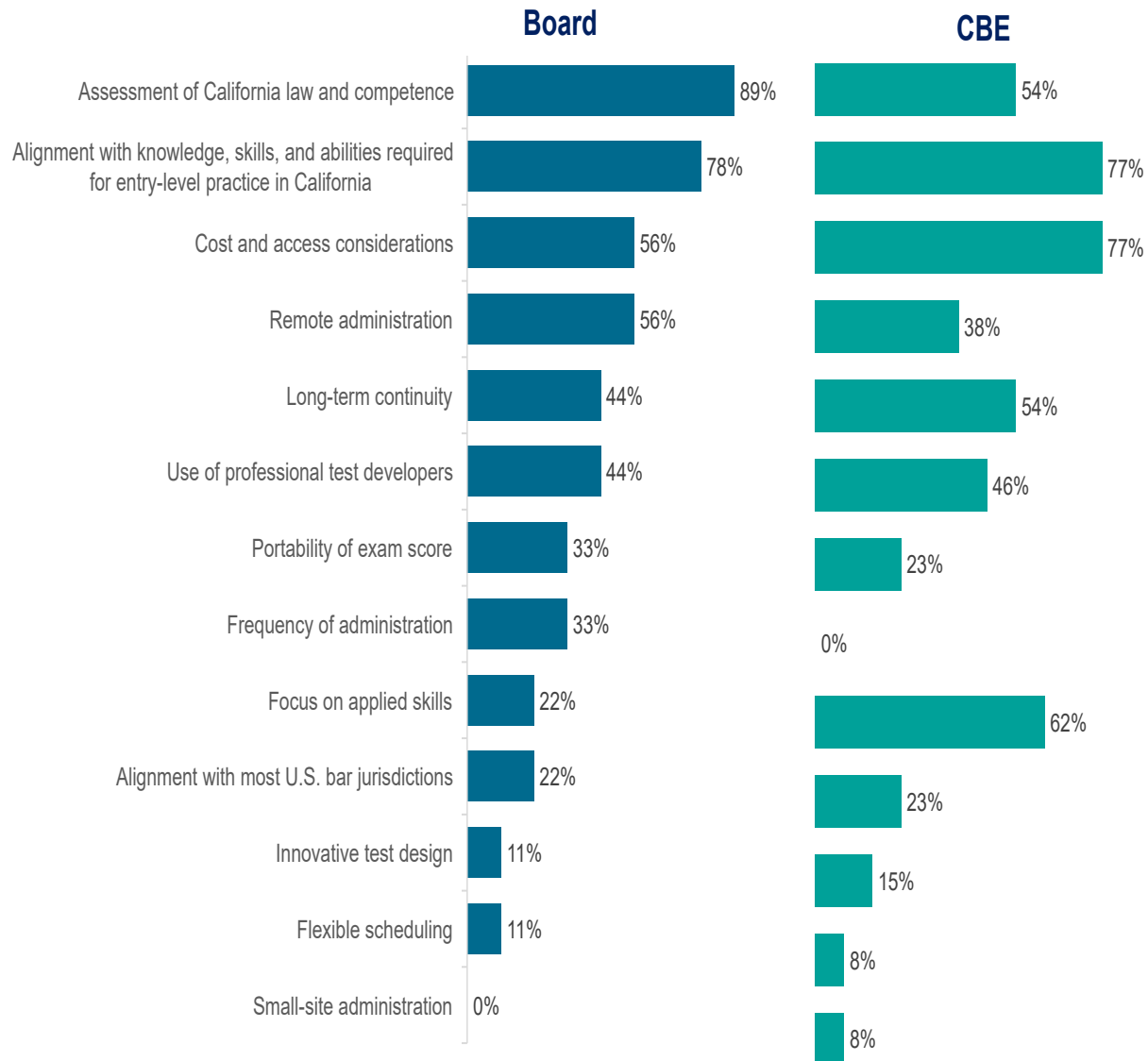
Percent that rated each factor “Extremely Important” or “Very Important”

Factor	Board	CBE	Difference between Board and CBE
Alignment with most U.S. bar jurisdictions	44%	31%	+13
Flexible scheduling	44%	0%	+44
Frequency of administration	56%	8%	+48
Portability of exam score	44%	15%	+29
Remote administration	67%	31%	+36



Percent that identified each factor among the five 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?"



Key Findings: Top Five Factors

Priority	Board	CBE	Sharpest contrast*
Assessment of California law and competence	Tier 1	Tier 2	89% Board / 54% CBE
Alignment with knowledge, skills, and abilities required for entry-level practice in California	Tier 1	Tier 1	
Cost and access considerations	Tier 1	Tier 1	56% Board / 77% CBE
Remote administration	Tier 1	Tier 2	56% Board / 38% CBE
Long-term continuity	Tier 2	Tier 2	
Use of professional test developers	Tier 2	Tier 2	
Portability of exam score	Tier 2	Tier 3	
Frequency of administration	Tier 2	Tier 3	33% Board / 0% CBE
Focus on applied skills	Tier 3	Tier 1	22% Board / 62% CBE
Alignment with most U.S. bar jurisdictions	Tier 3	Tier 3	
Innovative test design	Tier 3	Tier 3	
Flexible scheduling	Tier 3	Tier 3	
Small-site administration	Tier 3	Tier 3	

Definitions

Tier 1: ≥ 56% selected factor among top five

Tier 2: 31–55% selected factor among top five

Tier 3: ≤ 30% selected factor among top five

Cells are shaded by tier.

* Sharp contrasts reflect factors with the largest differences in top-five rankings between groups. Sharp contrasts may occur even when both groups place a factor in the same tier.



Options for the Future Bar Exam

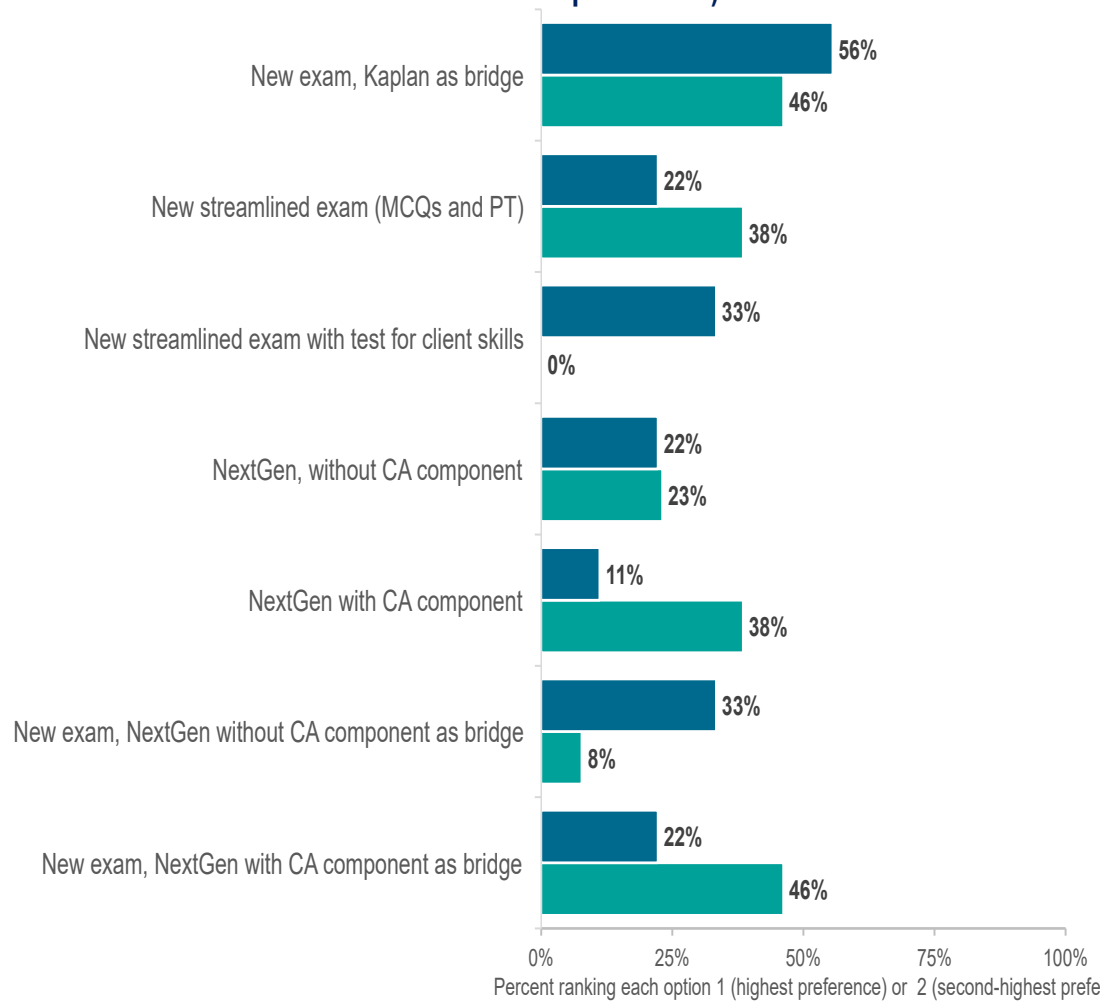
Question: Please rank the 7 options below in order of preference (**1 = highest preference**), indicating which recommendation you believe the CBE and the Board of Trustees should advance to the Supreme Court regarding the future bar exam.

Language in survey	Label used for analysis
Option 1. Develop a new CBX consistent with Court directive; meanwhile, use Kaplan MCQs and CA essays and PT	New exam, Kaplan as bridge
Option 2. Develop a new but streamlined CBX similar to Nevada; limit to MCQs and PTs	New streamlined exam (MCQs and PT)
Option 3. Develop a new CBX outlined in Option 2; add online module to assess skills difficult to measure through traditional formats (e.g., client counseling)	New streamlined exam with test for client skills
Option 4. Adopt the NextGen UBE <u>without</u> adding a CA-specific component	NextGen, without CA component
Option 5. Adopt the NextGen UBE and add a CA-specific component	NextGen with CA component
Option 6. Develop a new CBX consistent with Court directive; meanwhile, use NextGen UBE <u>without</u> adding a CA-specific component	New exam, NextGen without CA component as bridge
Option 7. Develop a new CBX consistent with Court directive; meanwhile, use NextGen UBE and add CA-specific component	New exam, NextGen with CA component as bridge

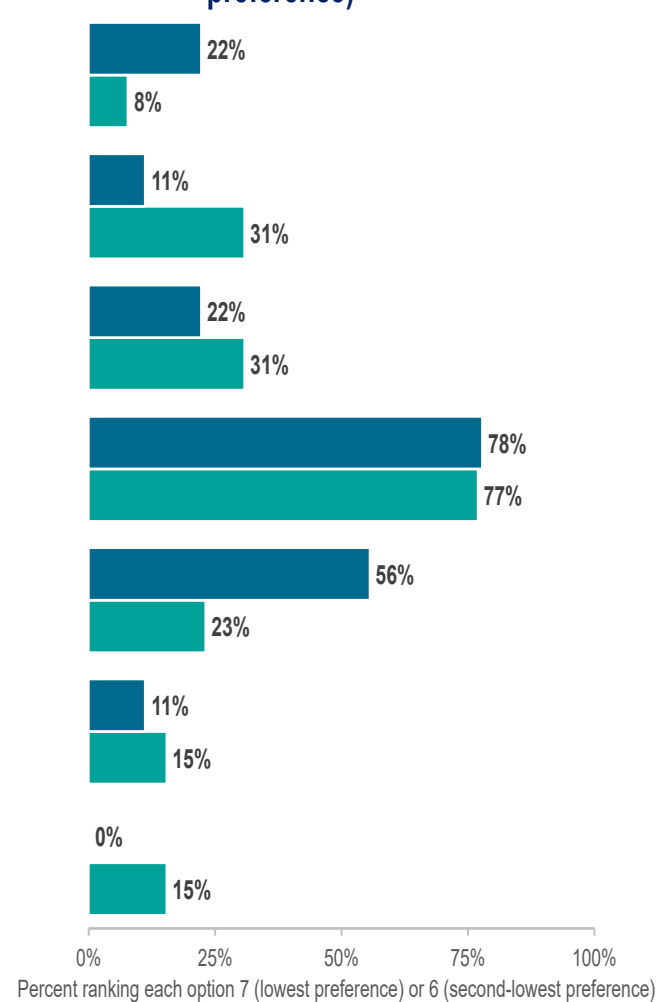
Top- and Bottom-Ranked Options

■ Board ■ CBE

Percent that ranked each option as a 1 (highest preference) or 2 (second-highest preference)



Percent that ranked each option as a 7 (lowest preference) or 6 (second-lowest preference)



Key Findings: Alignment and Divergence in Exam Option Rankings

Exam Option	Board's Top Two	Board's Bottom Two	CBE's Top Two	CBE's Bottom Two	Pattern
New exam, Kaplan as bridge	56%	22%	46%	8%	Aligned – shared top choice
NextGen, without CA component	22%	78%	23%	77%	Aligned – shared bottom choice
New exam, NextGen without CA component as bridge	33%	11%	8%	15%	Aligned – generally low priority
New streamlined exam (MCQs and PT)	22%	11%	38%	31%	Divergent – stronger and more polarized for CBE
New streamlined exam with test for client skills	33%	22%	0%	31%	Divergent – mixed for Board; low for CBE
NextGen with CA component	11%	56%	38%	23%	Divergent – low for Board; higher for CBE
New exam, NextGen with CA component as bridge	22%	0%	46%	15%	Divergent – elevated by CBE

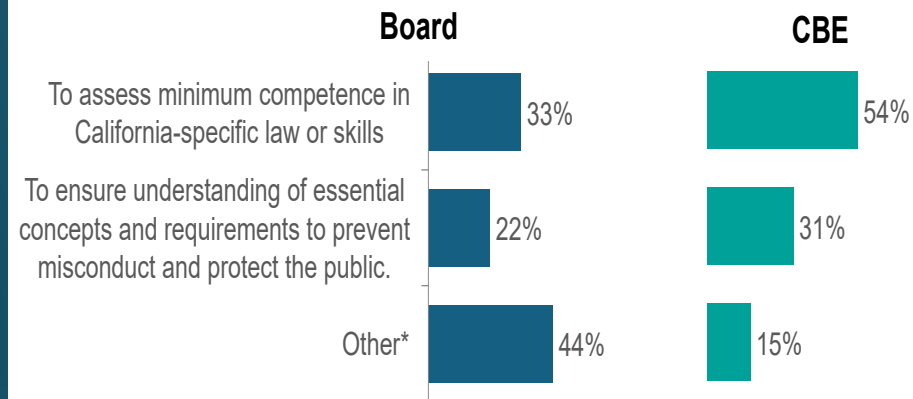


Purpose of California Component

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

Key findings

- More than half of CBE respondents believe that the **primary** purpose of a California component is to assess minimum competence in California-specific law or skills.
- Nearly half of Board respondents selected “Other,” suggesting that many do not see the purpose of a California-specific component, in the predefined answer options.



* Five respondents selected “Other” and wrote in the following:

- *“To assure a high level of competence in California-specific law and skills”*
- *“There should also be a strong understanding of essential concepts and requirements to prevent misconduct and to protect the public.”*
- *“Most lawyers practice nationally or even globally. Testing CA specific law should not be a goal. It also favors CA law students when we all know that CA state schools routinely exclude in state residents due to tuition for out of state being higher.”*
- *“Hopeful that the exam could have categorical facets of each component -- as it seems reasonable for it to test California specific law but the conduct and protect the public dynamics are also critical to our work at the Board.”*
- *“Accessibility and minimum competence”*



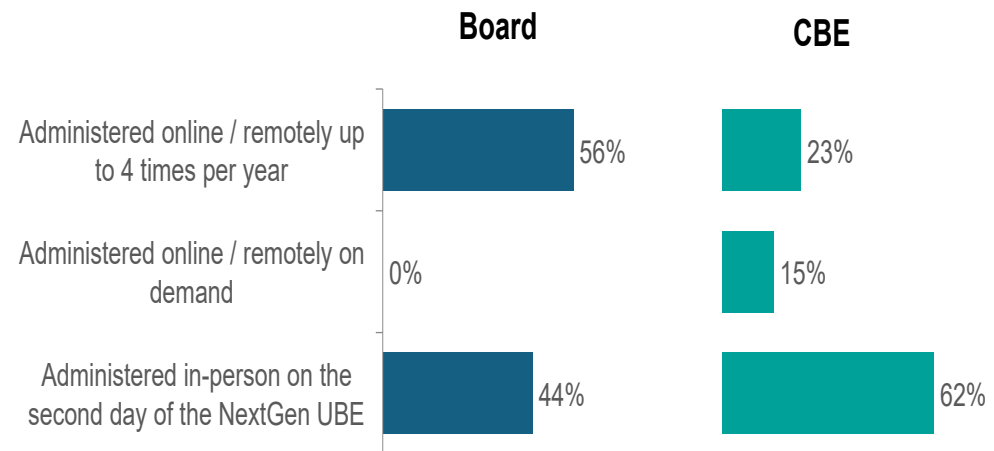
The State Bar of California

Mode of Administration of California Component

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

Key findings

- The majority of CBE members recommend that a California-specific component be administered in person on the second day of the NextGen UBE.
- In contrast, a slight majority of Board members recommend administering the exam remotely up to 4 times a year.
- There was little support for delivering the exam online/remotely on demand.



Minimum Number of Years to Adopt NextGen UBE

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: A minimum of two years' notice will be provided as required by law.)

Key findings

- **BOT and CBE show close alignment in their average recommendations** (3.1 vs. 3.2 years), suggesting shared expectations around timing despite some variation.
- A slightly higher share of CBE respondents identified 5 years, and no CBE members recommend 3 years.

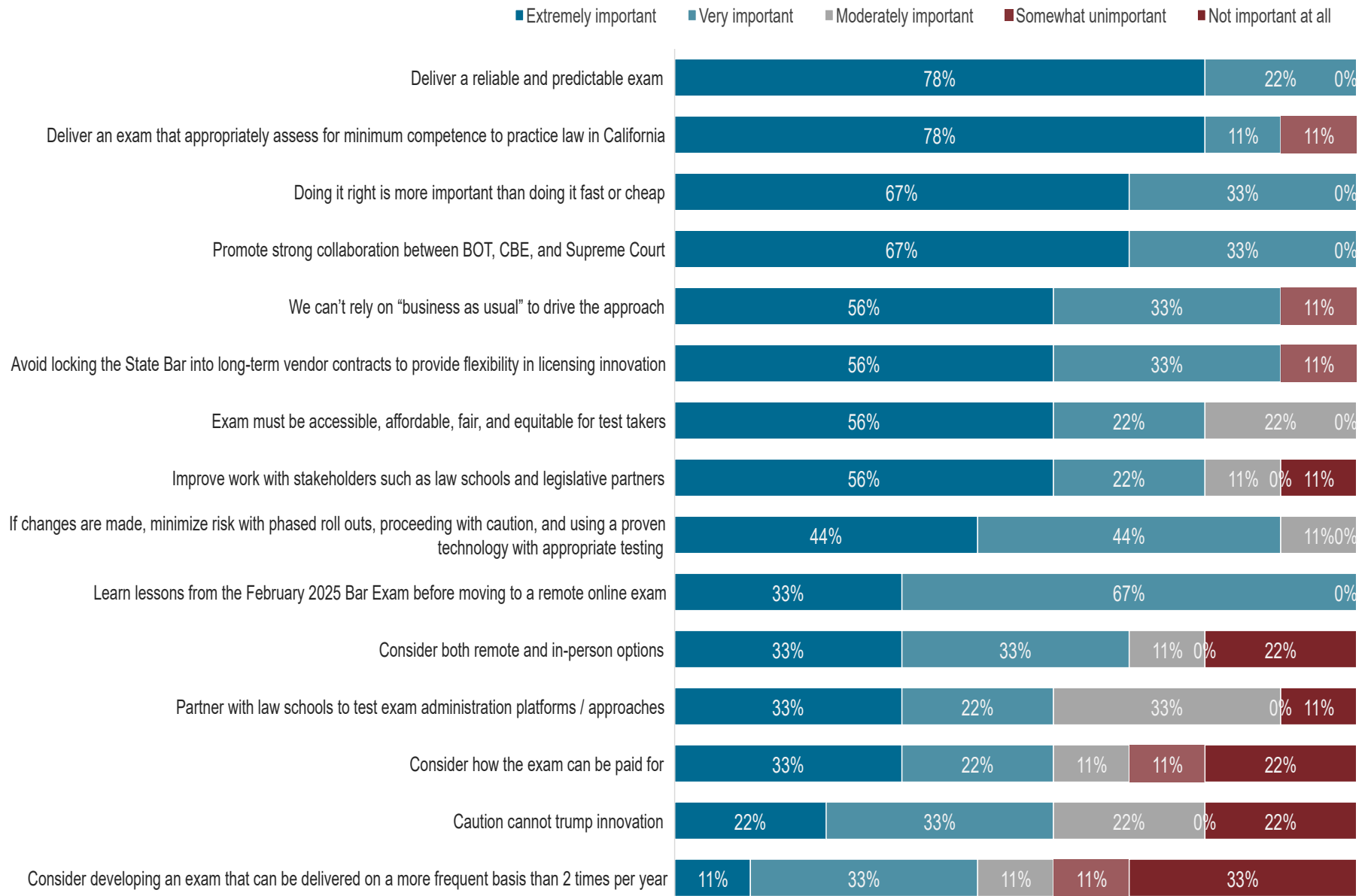
Minimum Number of Years to Adopt NextGen UBE

	2 years	3 years	4 years	5 years	Average
Board	44%	22%	11%	22%	3.1
CBE	54%	0%	15%	31%	3.2

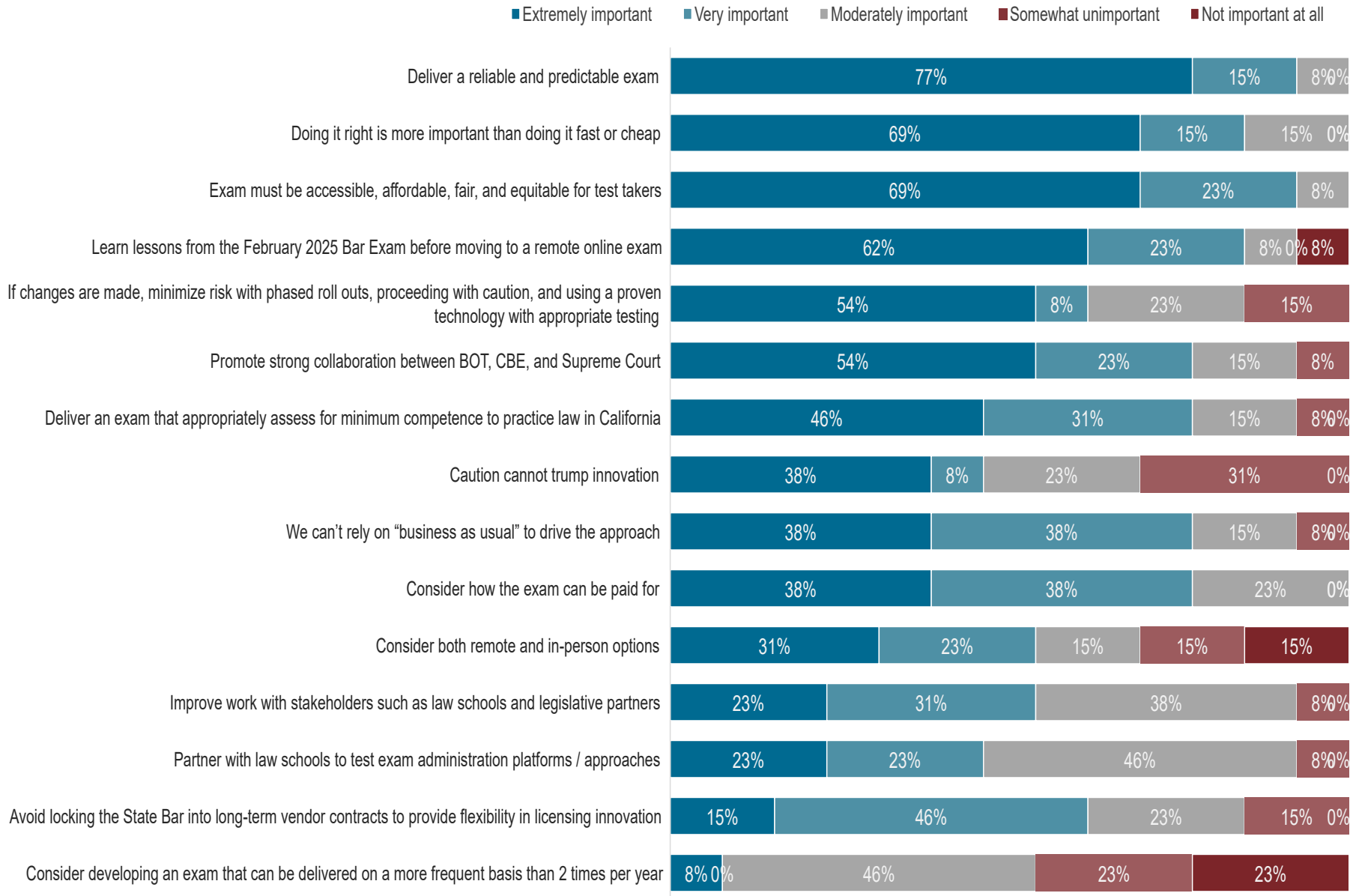


Supplementary Slides: Ratings of All Priorities and Considerations

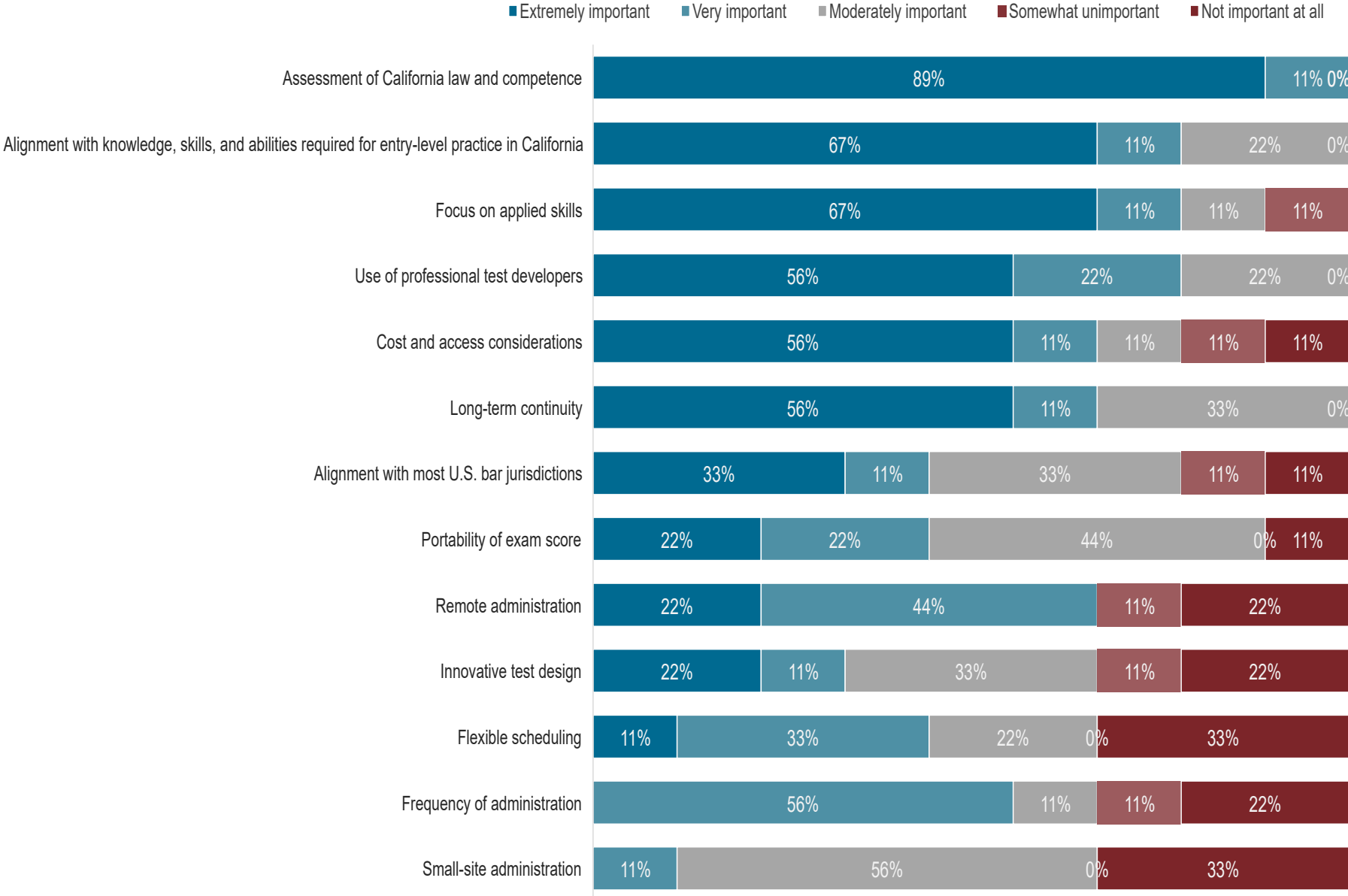
Board of Trustees: Importance of each guiding principle/priority to consider in developing the bar exam of the future



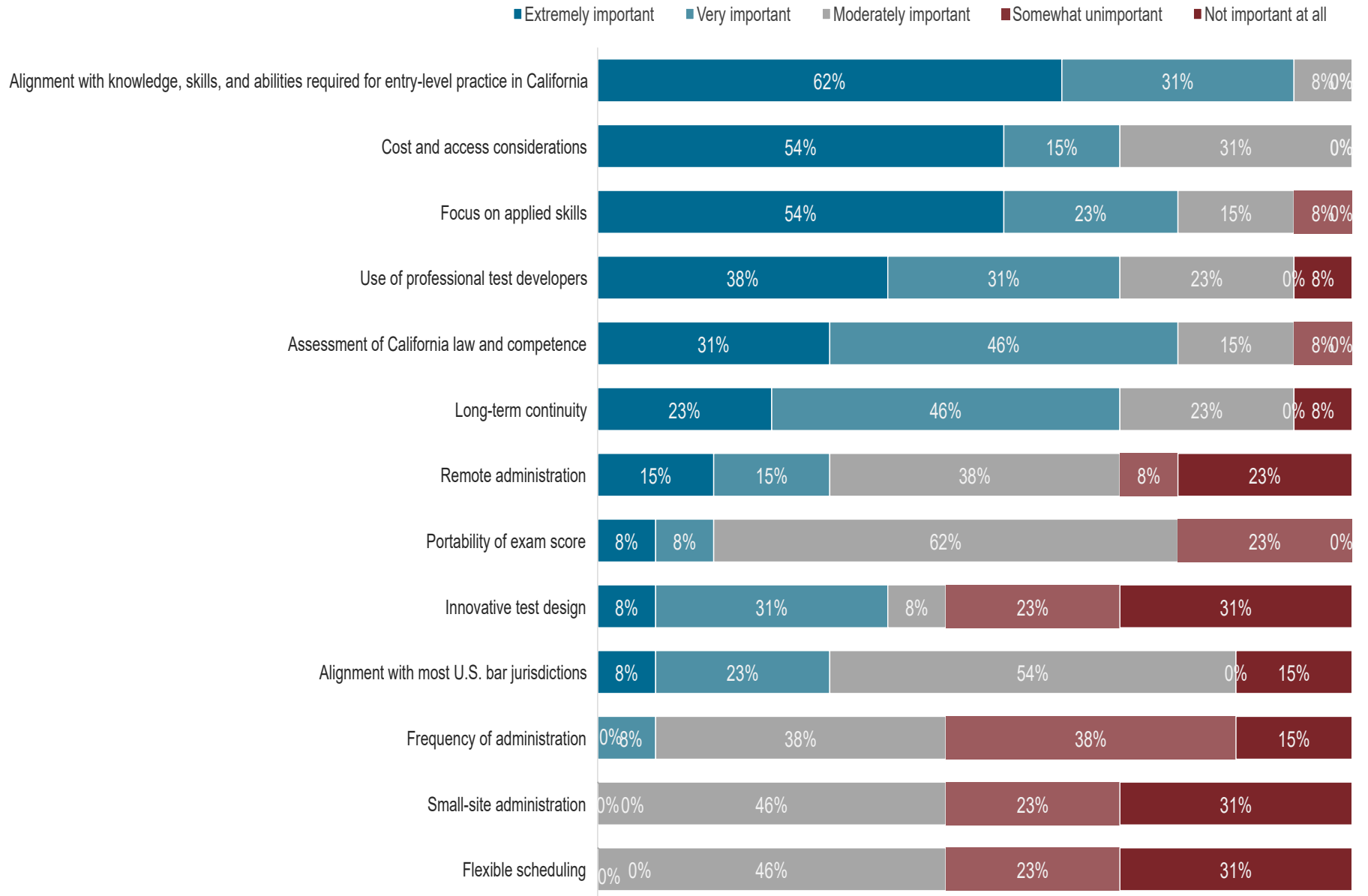
CBE: Importance of each guiding principle/priority to consider in developing the bar exam of the future



Board: Importance of each factor to consider in developing the bar exam of the future



CBE: Importance of each factor to consider in developing the bar exam of the future



Key Findings from Other Stakeholders' Surveys (Attachment C)

Last updated: January 20, 2026

Content

From January 5–16, 2026, a modified version of the survey on the future of the California Bar Exam—administered to the Board, CBE, and California law school deans—was administered to the following stakeholder groups: current licensees, current and prospective applicants who registered with the State Bar in the last five years, California bar associations and attorney organizations, and disability rights organizations.

The analyses that follow summarize findings for all groups surveyed, with the exception of California bar associations and attorney groups and disability rights organizations, for three topics:

- Importance of factors in exam development
- Ranking of factors in exam development
- Options for the future bar exam

Due to the combined low number of responses and low response rates, survey results for California bar associations and attorney groups, as well as disability rights organizations, are excluded from the comparison analyses. For California bar associations and attorney groups, results are presented in supplementary slides for transparency but should be interpreted with caution. For disability rights organizations, results are not reported because only a single response was received, precluding meaningful reporting.

Survey response rates

Board: 69% (9 out of 13)

CBE: 76% (13 out of 17)

ABA: 94% (17 out of 18)

CALS: 94% (15 out of 16)

Unaccredited: 88% (7 out of 8)

Current licensees: 5% (12,123 out of 257,347)

Current and prospective applicants: 6% (1,652 out of 28,594)

California bar associations and attorney organizations: 3% (4 out of 139)

Disability rights organizations: 2% (1 out of 42)

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



Importance of Factors in Exam Development

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

- Extremely Important
- Very Important
- Moderately Important
- Somewhat Important
- Not at all Important

The factors were organized into three categories to highlight areas of broad agreement, areas where emphasis differs, and factors that most groups currently view as of lower importance.

Category	Criteria
Shared High-Importance Factors	Factors rated “Extremely Important” or “Very Important” by at least 60% of groups asked, indicating broad agreement on their importance and low levels of lower-importance ratings.
Factors with Divergent Emphasis	Factors for which at least one group rated the factor as “Extremely Important” or “Very Important” (≥60%), and at least one other group rated the factor substantially lower (approximately ≤40–45%), or where the difference between the highest and lowest group ratings is approximately 20 percentage points or greater. These factors highlight areas that may warrant further discussion, clarification, or alignment.
Lower-Importance Factors	Factors that receive lower-importance ratings overall, reflected in lower “Extremely/Very Important” ratings and higher shares selecting “Somewhat Unimportant” or “Not Important at All

Note on survey design: The surveys administered to current licensees and current and prospective applicants were modified from that administered to the Board, the CBE, and law school deans, as follows: 1. “Alignment with knowledge, skills, and abilities required for entry-level practice in California” was excluded, and 2. “Cost and access considerations” were presented as two separate factors. Alignment with guiding principles was administered only to the Board and the CBE.



Factors

Survey respondents were presented with the following list of factors and descriptions. To facilitate analyses of stakeholder priorities, factors are organized into three categories.

What the exam should measure. These factors speak directly to exam content.

<u>Factor</u>	<u>Description</u>
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.
Assessment of California law and competence	The exam appropriately measures minimum competence for legal practice in California by testing on California law.
Focus on applied skills	The exam emphasizes assessing skills rather than memorizing doctrinal law.

Systems and policy considerations. These factors reflect how the bar exam functions within the broader licensure ecosystem.

<u>Factor</u>	<u>Description</u>
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.
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.
Portability of exam score	Exam scores can be transferred or recognized by other U.S. jurisdictions.



Factors (continued)

How the exam should be designed and delivered. These factors address development, delivery, logistics, flexibility, and test format.

<u>Factor</u>	<u>Description</u>
Cost and access considerations	The exam's delivery method helps reduce the costs of travel and lodging for test takers.
Access considerations	The exam's delivery method promotes access by allowing test takers to test closer to home.
Cost considerations	The exam's delivery method helps reduce applicants' costs (i.e., application fees, bar preparation fees, and travel and lodging expenses).
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.
Frequency of administration	The exam can be administered more than twice per year.
Innovative test design	The exam incorporates modern assessment methods (e.g., simulations, interactive/gamified testing).
Remote administration	The exam can be administered remotely.
Small-site administration	The exam can be administered at small test centers.
Use of professional test developers	The exam is developed and validated by professional testing experts external to the State Bar.



Key Findings: Shared High-Importance Factors

Percent that ranked each factor as “Extremely Important” or “Very Important”

Factor	Board	CBE	ABA	CALS	Unaccredited	Current Licensees	Current and Prospective Applicants
What the exam should measure							
Alignment with knowledge, skills, and abilities required for entry-level practice in California	78%	92%	82%	80%	86%		
Focus on applied skills	78%	77%	71%	87%	57%	71%	78%
How the exam should be designed and delivered							
Use of professional test developers	78%	69%	100%	67%	71%	52%	57%
Cost and access considerations	67%	69%	71%	60%	100%		
Systems and policy considerations							
Long-term continuity	67%	69%	100%	67%	71%	69%	74%

Note: Blank cells indicate that the factor was not presented to the group. However, cost and access factors were presented as individual factors to licensees and current and prospective applicants.



Key Findings: Lower-Importance Factors

Percent that ranked each factor as “Somewhat Unimportant” or “Not Important at All”

Factor	Board	CBE	ABA	CALS	Unaccredited	Current Licensees	Current and Prospective Applicants
How the exam should be designed and delivered							
Innovative test design	33%	54%	59%	0%	14%	63%	33%
Small-site administration	33%	54%	71%	53%	43%	60%	25%



Key Findings: Factors with Divergent Emphasis

Percent that ranked each factor as “Extremely Important” or “Very Important”

Factor	Summary of Divergence	Board	CBE	ABA	CALS	Unaccredited	Current Licensees	Current and Prospective Applicants
What the exam should measure								
Assessment of California law and competence	Rated highly by most groups but substantially lower among ABA deans	100%	77%	29%	87%	71%	86%	61%
How the exam should be designed and delivered								
Frequency of administration	Rated highly by unaccredited deans and current and prospective applicants	56%	8%	24%	20%	71%	24%	72%
Remote administration	Rated highly by the Board only	67%	31%	12%	47%	57%	13%	59%
Flexible scheduling	Rated highly by current and prospective applicants only	44%	0%	6%	20%	57%	14%	67%
Access considerations	Rated highly by current and prospective applicants but lower among current licensees						40%	68%
Cost considerations	Rated highly by current and prospective applicants but lower among current licensees						41%	80%
Systems and policy considerations								
Alignment with most U.S. bar jurisdictions	Rated highly by ABA and unaccredited deans, current licensees and current and prospective applicants	44%	31%	82%	53%	86%	65%	83%
Portability of exam score	Rated highly by ABA deans and current and prospective applicants	44%	15%	82%	53%	57%	57%	83%

Note: Shading indicates relative emphasis within each factor (higher vs. lower share rating “Extremely Important” or “Very Important”). Blank cells indicate that the factor was not presented to the group.

Ranking of Factors in Exam Development

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?

To summarize how stakeholder groups prioritize exam-related factors, results were grouped into three tiers based on the share of respondents who ranked each factor among their top five most important factors to prioritize in exam development. This approach highlights areas of convergence across groups while allowing for concise identification of exceptions without overemphasizing small differences.

Tier	Criteria
Tier 1	≥ 56% selected factor among top five
Tier 2	31–55% selected factor among top five
Tier 3	≤ 30% selected factor among top five



Key Findings: Top Five Factors

Values shown represent the percentage of respondents within each group who ranked each factor among their top five most important.

Factor	Summary	Board	CBE	ABA	CALS	Unaccredited	Current Licensees	Current and Prospective Applicants
What the exam should measure								
Alignment with knowledge, skills, and abilities required for entry-level practice in California	Unaccredited Tier 2; all others Tier 1	78%	77%	71%	73%	43%		
Assessment of California law and competence	Board and current licensees Tier 1; all others span Tiers 2–3	89%	54%	24%	47%	29%	80%	34%
Focus on applied skills	Board Tier 3; all others span Tier 1–2	22%	62%	47%	60%	57%	67%	50%
Systems and policy considerations								
Alignment with most U.S. bar jurisdictions	ABA deans, current licensees, and current and prospective applicants Tier 1; all others span Tier 2–3	22%	23%	71%	47%	29%	66%	59%
Long-term continuity	CALS deans and current licensees Tier 1; all others span Tiers 2–3	44%	54%	53%	60%	29%	56%	27%
Portability of exam score	CBE Tier 3; all others span Tiers 1–2	33%	23%	59%	53%	57%	54%	62%

Note: Blank cells indicate that the factor was not presented to the group.



Key Findings: Top Five Factors (continued)

Values shown represent the percentage of respondents within each group who ranked each factor among their top five most important.

Factor	Summary	Board	CBE	ABA	CALS	Unaccredited	Current Licensees	Current and Prospective Applicants
How the exam should be designed and delivered								
Cost and access considerations	CALS deans Tier 2; all others Tier 1	56%	77%	65%	47%	71%		
Access considerations	Both groups Tier 3						28%	23%
Cost considerations	Current and prospective applicants Tier 1; current licensees Tier 2						35%	57%
Flexible scheduling	Most groups Tier 3; all others Tier 2	11%	8%	0%	0%	43%	8%	39%
Frequency of administration	Unaccredited deans Tier 1; all others Tiers 2–3	33%	0%	12%	7%	57%	12%	39%
Innovative test design	CALS deans Tier 2; all others Tier 3	11%	15%	0%	33%	0%	9%	14%
Remote administration	Board Tier 1; all others Tiers 2–3	56%	38%	0%	27%	29%	6%	41%
Small-site administration	All groups Tier 3	0%	8%	6%	0%	14%	7%	14%
Use of professional test developers	ABA deans Tier 1; all others Tiers 2–3	44%	46%	94%	47%	29%	39%	23%



Options for the Future Bar Exam

Question: Please rank 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.

To support clearer comparisons across groups, the analysis focuses on the proportion of respondents ranking each option in their **top two** versus **bottom two** positions. Options concentrated in these extremes reflect stronger consensus, while middle rankings are less informative about relative preference.

Note on survey design: Current licensees and current and prospective applicants were presented with an additional option. As a result, these groups evaluated eight options, while the Board, the CBE, and law school deans evaluated seven options. In addition, option wording and the ordering were altered slightly. See crosswalk across both sets of surveys on the following slides.



Exam Options

Label used for analysis	Language used in surveys administered to Board, CBE, California law school deans	Language used in all other surveys
New exam, Kaplan as bridge	Develop a new California bar exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5+ year development timeline), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance test (PT).	Same
New exam, NextGen with CA component as bridge	Develop a new California bar exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5+ year development timeline), use the NCBE's NextGen UBE and add a California-specific component.	Same
New exam, NextGen without CA component as bridge	Develop a new California bar exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5+ year development timeline), use the NCBE's NextGen UBE without adding a California-specific component.	Same
New streamlined exam (MCQs and PT)	Develop a new but streamlined California bar exam similar to the approach adopted by Nevada. The exam would be limited to MCQs and PTs and is intended to be ready for administration in July 2028.	Develop a new but streamlined California bar exam similar to the approach adopted by Nevada, which is limited to MCQs and PTs and is intended to be ready for administration in July 2028.
New streamlined exam with test for client skills	Develop a new but streamlined California bar exam outlined [as the Nevada Model] but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).	Develop a new but streamlined California bar exam similar to the approach adopted by Nevada but also include an online module to assess skills that are difficult to measure through traditional formats (e.g., client counseling).



Exam Options (continued)

Label used for analysis	Language used in surveys administered to Board, CBE, California law school deans	Language used in all other surveys
New streamlined exam, Kaplan as a bridge	N/A	Develop a new but streamlined California bar exam similar to the approach adopted by Nevada; until that exam is ready to administer (e.g., if new subject matters are added that cannot be ready to test by July 2028), return to using the Kaplan MCQs and California essays and PTs.
NextGen with CA component	Adopt the NCBE's NextGen UBE and add a California-specific component.	Same
NextGen without CA component	Adopt the NCBE's NextGen UBE without adding a California-specific component.	Same



Key Findings: Alignment and Divergence in Top-Ranked Options

Percent that ranked each option as a 1 (highest preference) or 2 (second-highest preference)

Exam option	Summary	Board	CBE	ABA	CALS	Unaccredited	Current Licensees	Current and Prospective Applicants
New exam, Kaplan as bridge	Divergent – elevated for Board and current licensees	56%	46%	18%	20%	29%	53%	17%
New exam, NextGen with CA component as bridge	Divergent – elevated for CBE and current licensees	22%	46%	6%	20%	14%	53%	19%
New exam, NextGen without CA component as bridge	Aligned – generally low priority	33%	8%	12%	13%	0%	17%	21%
New streamlined exam (MCQs and PT)	Divergent – elevated for unaccredited deans	22%	38%	12%	33%	43%	8%	31%
New streamlined exam with test for client skills	Divergent – elevated for CALS deans	33%	0%	12%	40%	29%	8%	23%
New streamlined exam, Kaplan as a bridge	Aligned – low priority among groups						11%	10%
NextGen with CA component	Divergent – elevated for ABA deans; low for Board	11%	38%	71%	47%	43%	28%	35%
NextGen without CA component	Divergent – elevated for ABA deans; low for current licensees	22%	23%	71%	27%	43%	12%	38%

Note: Shaded cells indicate groups with elevated support relative to others. Blank cells indicate that the option was not presented.



Key Findings: Alignment and Divergence in Bottom-Ranked Options

Percent that ranked each option as a lowest preference or second-lowest preference

Exam option	Summary	Board	CBE	ABA	CALS	Unaccredited	Current Licensees	Current and Prospective Applicants
New exam, Kaplan as bridge	Divergent – elevated bottom-two rankings for ABA	22%	8%	71%	53%	29%	15%	48%
New exam, NextGen with CA component as bridge	Aligned – generally low bottom-two rankings across all groups	0%	15%	35%	33%	29%	3%	13%
New exam, NextGen without CA component as bridge	Aligned – broadly moderate bottom-two rankings	11%	15%	24%	13%	29%	20%	21%
New streamlined exam (MCQs and PT)	Aligned – broadly moderate bottom-two rankings	11%	31%	29%	20%	29%	23%	10%
New streamlined exam with test for client skills	Divergent – elevated bottom-two rankings for ABA deans	22%	31%	41%	27%	14%	28%	17%
New streamlined exam, Kaplan as a bridge	Aligned – mixed bottom-two rankings among groups asked						21%	34%
NextGen with CA component	Divergent – elevated bottom-two rankings for Board	56%	23%	0%	20%	29%	25%	24%
NextGen without CA component	Divergent – elevated bottom-two rankings for Board and CBE	78%	77%	0%	33%	43%	55%	25%

Note: For the Board, CBE, and law schools, the values represent the percent that ranked each option as a 7 (lowest preference) or 6 (second-lowest preference). For current licensees and current and prospective applicants, the values represent the percent that ranked each option as an 8 (lowest preference) or a 7 (second-lowest preference). Shaded cells indicate groups with elevated bottom rankings relative to others. Blank cells indicate that the option was not presented.



Summary of Each Option Considered

Exam option	Summary
New exam, Kaplan as bridge	Strong support from the Board and current licensees, with lower support among other groups
New exam, NextGen with CA component as bridge	Does not consistently rank among the highest or lowest priorities across groups
New exam, NextGen without CA component as bridge	Ranks relatively low across groups
New streamlined exam (MCQs and PT)	Does not generate strong support or strong opposition across groups
New streamlined exam with test for client skills	Shows uneven interest across groups without broad support
New streamlined exam, Kaplan as a bridge	Limited support from those groups presented with this option
NextGen with CA component	Attracts interest from some groups while raising concerns for others
NextGen without CA component	Generates sharply differing views across groups, with clear support from some and opposition from others



Survey Results for California Bar Associations and Attorney Organizations

Results are reported as counts (Ns) without additional analysis or interpretation due to the small number of responses (N=4).



The State Bar of California

Factors to consider in developing the bar exam of the future

Factor	Importance of Each Factor to Consider in Developing the Bar Exam of the Future					Top Five Factor
	Extremely Important	Very Important	Moderately Important	Somewhat Important	Not at all Important	
What the exam should measure						
Assessment of California law and competence	3	0	0	0	1	3
Focus on applied skills	2	2	0	0	0	3
How the exam should be designed and delivered						
Access considerations	3	0	1	0	0	3
Cost considerations	2	1	1	0	0	1
Innovative test design	0	0	1	1	2	0
Flexible scheduling	1	0	2	0	1	1
Frequency of administration	1	2	1	0	0	2
Remote administration	1	0	1	1	1	0
Small-site administration	0	1	1	1	1	0
Use of professional test developers	1	1	2	0	0	1
Systems and policy considerations						
Alignment with most U.S. bar jurisdictions	3	0	0	1	0	3
Long-term continuity	2	1	1	0	0	2
Portability of exam score	1	0	3	0	0	0

Note: Values shown in Top 5 Factor column represent the number of respondents who ranked each factor among their top five most important.



Exam Options

Exam Option	Top 2: Number that ranked each option as a 1 (highest preference) or 2 (second-highest preference)	Bottom 2: Number that ranked each option as an 8 (lowest preference) or 7 (second-lowest preference)
New exam, Kaplan as bridge	2	1
New exam, NextGen with CA component as bridge	1	0
New exam, NextGen without CA component as bridge	1	1
New streamlined exam (MCQs and PT)	1	0
New streamlined exam with test for client skills	0	0
New streamlined exam, Kaplan as a bridge	1	0
NextGen with CA component	1	3
NextGen without CA component	0	3



Kaplan Exam Services

January 2026



Our Commitment to the State Bar



Quality

Psychometric data proves our questions performed as designed



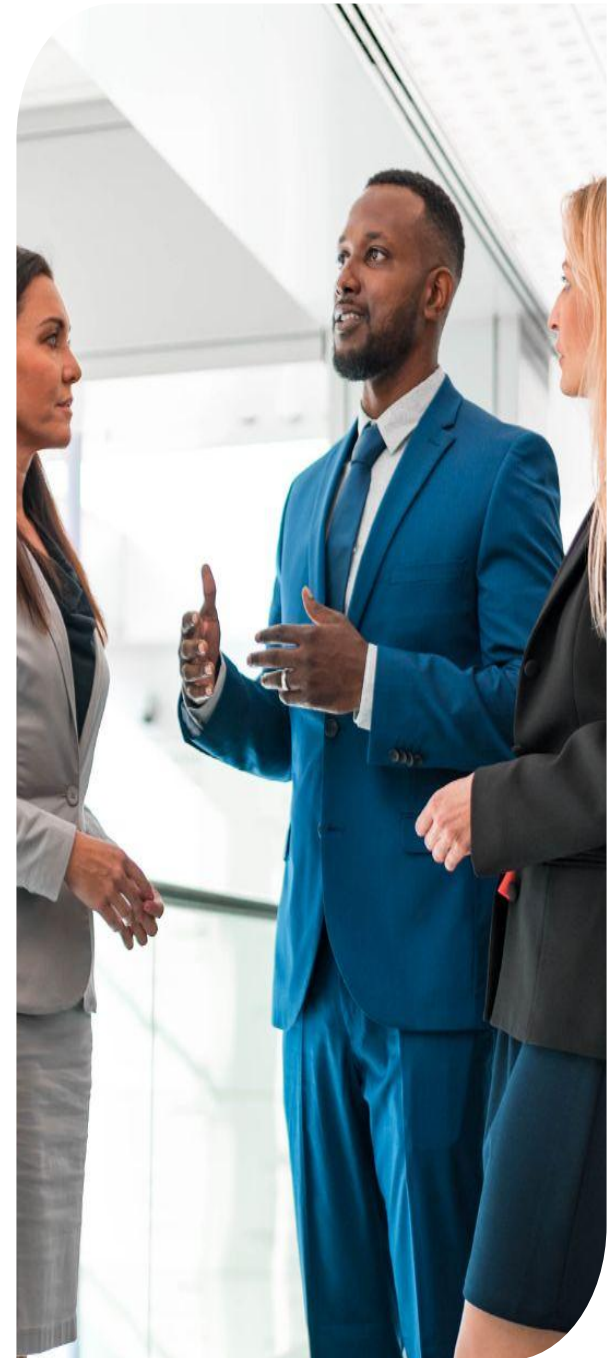
Expertise

Deep legal talent: professors, Bar experts, published scholars



Partnership

Proven ability to adapt to CA State Bar needs

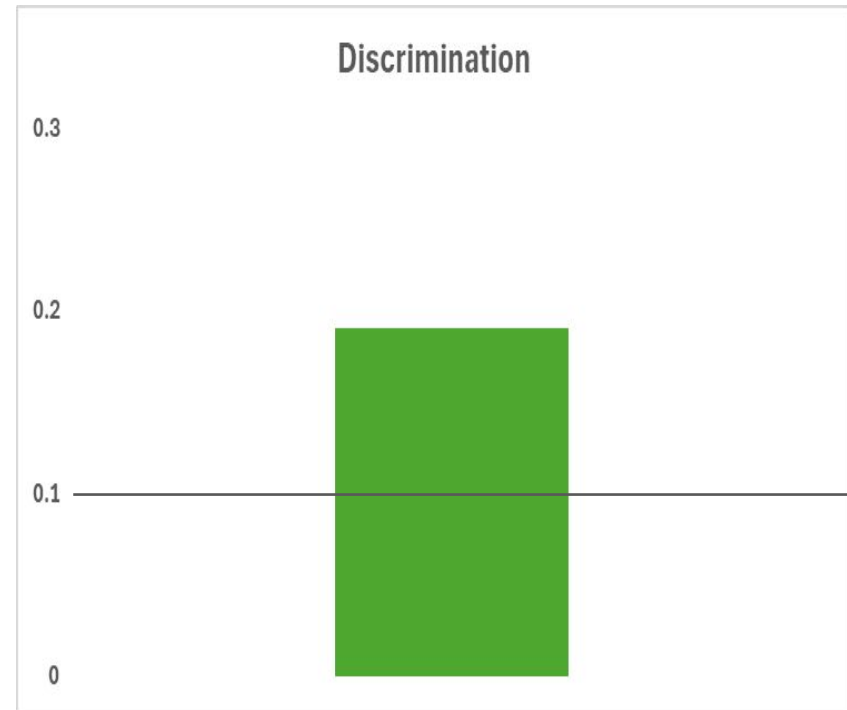


Proven Quality: February 2025 Results

Kaplan questions performed within expected ranges



✓ Target range: 0.30 - 0.80



✓ Target minimum: 0.10

Who Builds the Bank: Expertise Behind the Exam

Deep legal expertise built for bar exam excellence

80%

Law School Faculty/Admin
Including multiple teaching awards

67%

Published Scholars
250+ articles, 15 books

"THE LAW PROFESSOR"

- Dean's Scholar
- Judicial clerk for state superior court
- Litigator at Top 100 firms
- Textbook author and academic publisher
- Faculty at multiple ABA-accredited law schools

"THE FEDERAL PROSECUTOR"

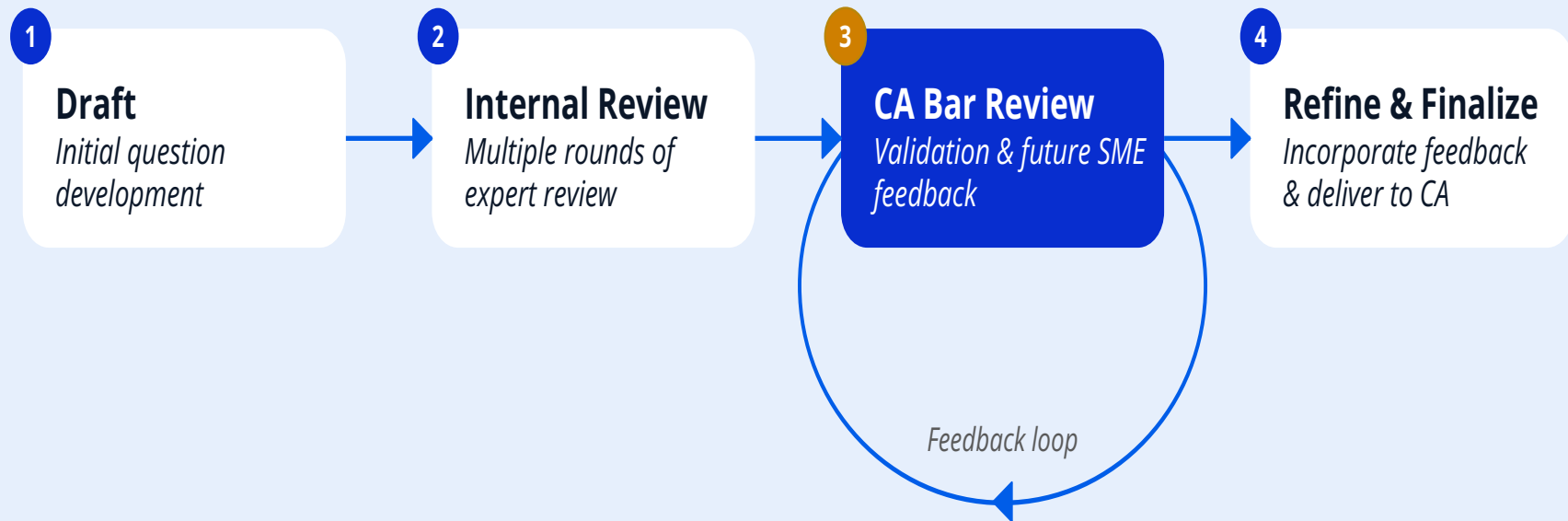
- Director of Bar Prep at law school
- Published legal scholar
- Master litigator, licensed in 4 states
- Senior roles in federal executive department
- Decades of active practice

Building a Robust Question Bank for California



* Includes the 117 MCQs used on the Feb 2025 Bar

Rigorous Multi-Step Review Process



Every question passes through multiple expert reviews before submission

5 REVIEWERS
Touch every question

3 AVG CYCLES
Before submission

100% LEGAL
Reviews by attorneys

Partnership Aligned with CA Goals

A partnership designed to adapt to CA needs without compromising on results

Our Partnership Principles

Direct Connection

Kaplan experts linked directly with CA experts

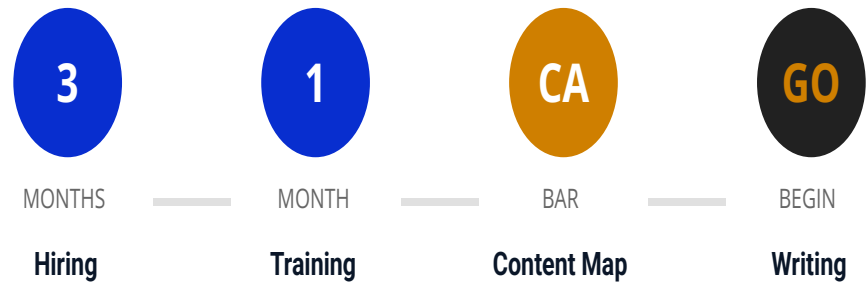
Feedback Integration

Regular review cycles based on CA feedback

Flexibility

History of pivoting on evolving needs

Our Readiness Timeline



4 months from decision to question writing with provided Content Map.

We build what California needs, under California's guidance.

PRELIMINARY EXPLORATION OF COST IMPLICATIONS OF DIFFERENT EXAM OPTIONS

BACKGROUND AND ASSUMPTIONS

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

LEGEND

≈ - roughly same costs as current

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

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

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

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

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

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

Future Bar Exam Options	Test Sites (Includes Venue, Tables, Chairs, Electrical and HVAC)	Internet	Proctors & Other Onsite Support	Exam Software (Per Exam/Exam & Onsite Support)	NCBE License Costs (MBE / NextGen USE)	Grading	Question Development (MCQ)	Question Development (Essay & PT)	Content Validation (Subject Matter Review)	EDG Team	Delivery and Printing	Admissions Staff & Communications (Bar Exam Admin and Dev.)	Staff Travel to Exam Sites	Psychometric Services (Per Exam Only)	Computer Rental	Notes
July 2025 Bar Exam Costs	1,232,722.00	0	\$1,642,094	\$811,207	\$386,402	\$190,204					987,386		212,029		\$29,718	
February 2026 Bar Exam Costs (estimated)	1,261,584	0	905,936	343,000	283,107	77,586					68,321		81,211		15,851	
Yearly Cost of Current Agreement Based on either July 2025 + February 2026 estimated expenses or 2024 annualized expense	2,804,305	0	2,547,977	1,154,207	619,509	270,790	0	15,000		330,000	155,682	8,938,986	194,770	100,000	45,573	
OPTION: New Exam (per S-C 10/2024 Order) / Kaplan as a bridge	=	=	=	=	↕	=	***	***	↑	↔	=	***	=	=	=	<ul style="list-style-type: none"> *No license fee to NCBE. *Includes costs to Kaplan for the bridge and development costs to new vendors/consultants for the new exam. *Content validation and subject matter review - new baseline of \$469,000 annually for validation of Kaplan questions for first few years based on approved policies. Increasing when content validation of new questions begins. *EDG team expenses could decrease to the extent involvement in question development reduces. *Increased staff needs to support new development efforts.
OPTION: New Bar Exam / NextGen w/CA component as bridge	=	+	↕	↕	**	=	***	***	↓	↓	↓	***	=	+	↓	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *State Bar Exam Software platform costs limited to CA component. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More information on impact of shorter responses and 100% double grading with NextGen available following the grading of the beta test in February. *Question development costs for both CA component and new exam. Could terminate Kaplan contract eliminating contracted costs beginning 8/15/2027 - 3/15/2029 except for termination penalty. *Content validation of CA component only; content validation for new exam would be in our years only. *Reduced question development (although contracts could be adjusted to assist with new exam development work). *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; will need to increase exam dev staff for new exam development. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs. *Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for development and possibly scoring of CA component, as well as for new practice analysis and consulting on new exam development.
OPTION: New Bar Exam / NextGen without CA component as bridge	=	+	↕	↕	**	=	***	***	↓	↓	↓	***	=	+	↓	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *No State Bar exam software platform for NextGen. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More info on impact of shorter responses and 100% double grading with NextGen pending. *Question development costs for new exam. Could terminate Kaplan contract eliminating contracted costs beginning 8/15/2027 - 3/15/2029 except for payment penalty. *No content validation until new exam questions developed. *No question development (although contracts could be adjusted to assist with new exam development work). *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; will need to increase exam dev staff for new exam development. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs. *Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for new practice analysis and consulting on new exam development.
OPTION: Nevada Model without added skills module (i.e., client counseling) / no bridge	↕	=	↕	↕	↕	↕	***	**	↑	↓	↓	=	↓	+	=	<ul style="list-style-type: none"> *As a one-day exam, costs for test sites, proctors, Exam software and staff travel is anticipated to be reduced. *No purchase of NCBE products. *Elimination of essays with only small increase in PTs results in lowered grading costs and EDG team costs, printing and delivery costs. *Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. *Content validation for MCQs and PTs. *Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required.
OPTION: Nevada Model with added skills module (i.e., client counseling) / no bridge	↕	=	↕	+	↕	=	***	***	↑	↓	↓	=	=	+	=	<ul style="list-style-type: none"> *As a one-day exam, costs for test sites, proctors, exam software and staff travel is anticipated to be reduced. However, there are yet unknown costs for a platform for the skills module. *No purchase of NCBE products. *Elimination of essays with only small increase in PTs results in lowered grading costs, EDG team costs, and printing and delivery costs. The additional skills module will at least somewhat offset the decrease in EDG team and grader costs. *Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. Additional development costs for the skills' module. *Content validation for MCQs and PTs and skills' module. *Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required. Psychometric support for new module also required.
OPTION: Nevada Model / Kaplan as a bridge	=	=	=	=	↕	=	***	***	**	↔	=	+	↓	+	=	<ul style="list-style-type: none"> *Exam administration costs stay the same as exam in development and Kaplan questions used. *No purchase of NCBE products. *Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. Additional development costs for the skills' module if included. *Content validation for MCQs and PTs and skills module, if applicable. *EDG team expenses could decrease to the extent involvement in question development reduces. *Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required. Psychometric support for new module also required, if applicable.
OPTION: NextGen w/CA Component	=	+	↕	↕	**	=	+	+	↓	↓	↓	+++	=	↓	↓	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *State Bar Exam Software platform costs limited to CA component. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More info on impact of shorter responses and 100% double grading with NextGen pending. *Question development costs for CA component only. Would eliminate or reduce contracted costs for Kaplan Exam Services with early termination penalty paid in 2027. *Content validation of CA component only. *No question development work for EDG team (although contracts could be adjusted to assist with development of CA component). *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; current exam development staffing sufficient for CA component. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs. *Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for development and possibly scoring of CA component.
OPTION: NextGen w/o CA Component	=	+	↕	↕	**	=	+	+	↓	↓	↓	+++	=	↓	↓	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *No State Bar exam software platform for NextGen. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More info on impact of shorter responses and 100% double grading with NextGen pending. *Question development costs. Termination of Kaplan contract by February 28, 2027, with early termination penalty at that time. *No content validation costs. *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; will need to increase exam dev staff for new exam development. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs. *Psychometric services provided by NCBE for grading NextGen exam; only ad hoc, psychometric services still required.

Preliminary Cost Impacts of Bar Exam Options



Preliminary Cost Analysis

Background & Assumptions

- Annual cost increases and decreases are estimated for 2028 and the first few years thereafter. Additional costs or savings in later years - which could be significant - are not projected in this analysis. This represents staff's current best guess.
- Cost increases attributable to consumer price index or inflation not reflected as those increases are not caused by the option selected.
- Current costs listed are based on either July 2025 actual + February 2026 estimated expenses or 2026 annualized expenses
- Annual cost for the contract with Kaplan Exam Services for development of MCQs and Essay and Performance Test questions is not included in the question development column (over \$1.5 million annually) because those costs are related to specific options and not tied to the July 2025 and February 2026 bar exams.



Preliminary Cost Analysis

Background & Assumptions (continued)

- New exam could take 5 - 10 years for development, including conducting revised California Attorney Practice Analysis due to the age of the most recent study conducted.
- Current contract with Kaplan Exam Services has payments due through March 2029; under current contract terms, the State Bar could terminate the contract February 28, 2027, and pay \$712,500 as an early termination penalty in lieu of \$2,850,000 for 4th and 5th year.
- The format of a CA component of NextGen or new exam are unknown; costs are allocated with one-half to each question development category.
- Unknown whether component parts of a Nevada model would be administered separately or together. For purposes of this analysis, assume administered together as a 1-day bar exam. Any additional client counseling component assumed for this model to be administered through online module.



Preliminary Cost Analysis

Legend for Cost Analysis

≈ - roughly same costs as current

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

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

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

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

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

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

Bar Exam Options	Test Sites	Internet	Proctors	Exam Software	NCBE Licenses	Grading	MCQ Dev	Written Section Dev	CVP & SME Review	EDG Team
New Exam / Kaplan Bridge	≈	≈	≈	≈	↓↓	≈	↑↑↑	↑↑↑	↑	≈ / ↓
New Exam / NextGen Bridge (CA component)	≈	↑	↓↓	↓↓	↑↑	≈	↑↑↑	↑↑↑	↓	↓
New Exam / NextGen Bridge (no CA component)	≈	↑	↓↓	↓↓	↑↑	≈	↑↑↑	↑↑↑	↓	↓
Nevada Model (no skills component)	↓	≈	↓↓	↓	↓↓	↓	↑↑↑	↑↑	↑	↓
Nevada Model (skills component)	↓	≈	↓↓	↑	↓↓	≈	↑↑↑	↑↑↑	↑	↓
Nevada Model / Kaplan Bridge	≈	≈	≈	≈	↓↓	≈	↑↑↑	↑↑↑	↑↑	≈ / ↓
NextGen (CA component)	≈	↑	↓↓	↓↓	↑↑	≈	↑	↑	↓	↓
NextGen (no CA component)	≈	↑	↓↓	↓↓	↑↑	≈	≈	↓	↓	↓

Bar Exam Options	Delivery & Printing	Staff & Consultants	Staff Travel	Psychometric Services	Computer Rental
New Exam / Kaplan Bridge	≈	↑↑↑↑	≈	≈	≈
New Exam / NextGen Bridge (CA component)	↓	↑↑↑↑	≈	↑	↓
New Exam / NextGen Bridge (no CA component)	↓	↑↑↑↑	≈	↑	↓
Nevada Model (no skills component)	↓	≈	↓	↑	≈
Nevada Model (skills component)	↓	≈	≈	↑	≈
Nevada Model / Kaplan Bridge	≈	↑	↓	↑	≈
NextGen (CA component)	↓	↓↓↓	≈	↓	↓
NextGen (no CA component)	↓	↓↓↓	≈	↓	↓

Bar Exam Options	Notes
New Exam / Kaplan Bridge	<ul style="list-style-type: none"> *No license fee to NCBE. *Includes costs to Kaplan for the bridge and development costs to new vendors/consultants for the new exam. *Content validation and subject matter review - new baseline of \$469,000 annually for validation of Kaplan questions for first few years based on approved policies. Increasing when content validation of new questions begins. *EDG team expenses could decrease to the extent involvement in question development reduces. *Increased staff needs to support new development efforts.
New Exam / NextGen Bridge (CA component)	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *State Bar Exam Software platform costs limited to CA component. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More information on impact of shorter responses and 100% double grading with NextGen available following the grading of the beta test in February. *Question development costs for both CA component and new exam. Could terminate Kaplan contract eliminating most contracted 8/15/2027 – 3/15/2029 *Content validation of CA component only; content validation for new exam would be in out years only. *Reduced question development (although contracts could be adjusted to assist with new exam development work). *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; will need to increase exam dev staff. Staff OT costs at exam site reduced. *Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for development and possibly scoring of CA component, as well as for new practice analysis and consulting on new exam development.
New Exam / NextGen Bridge (no CA component)	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *No State Bar exam software platform costs while using NextGen. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More info on impact of shorter responses and 100% double grading with NextGen pending. *Question development costs for new exam. . Could terminate Kaplan contract eliminating most contracted costs 8/15/2027 – 3/15/2029. *No content validation until new exam questions developed. *No question development (although contracts could be adjusted to assist with new exam development work). *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; will need to increase exam dev. Staff OT costs at exam sites reduced.

Bar Exam Options	Notes
Nevada Model (no skills component)	<ul style="list-style-type: none"> *As a one-day exam, costs for test sites, proctors, Exam software and staff travel is anticipated to be reduced. * No purchase of NCBE products *Elimination of essays with only small increase in PTs results in lowered grading costs and EDG team costs, printing and delivery costs. *Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. *Content validation for MCQs and PTs. *Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required.
Nevada Model (skills component)	<ul style="list-style-type: none"> *As a one-day exam, costs for test sites, proctors, exam software and staff travel is anticipated to be reduced. However, there as yet unknown costs for a platform for the skills module. * No purchase of NCBE products. *Elimination of essays with only small increase in PTs results in lowered grading costs, EDG team costs, and printing and delivery costs. The additional skills module will at least somewhat offset the decrease in EDG team and grader costs. *Continuation of Kaplan contract to draft MCQs; extension of contract even if subjects stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. Additional development costs for the skills' module. *Content validation for MCQs and PTs and skills' module. *Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required. Psychometric support for new module also required.
Nevada Model / Kaplan Bridge	<ul style="list-style-type: none"> *Exam administration costs stay the same as exam is in development and Kaplan questions used. * No purchase of NCBE products. *Continuation of Kaplan contract to draft MCQs; extension of contract even if subject stay the same because a significant question bank will be needed for the long term; contract modification if different topics required; elimination of contracting for essays, but increase number of PTs produced. Develop new content maps, student guides, and faculty guides. Additional development costs for the skills' module if included. *Content validation for MCQs and PTs and skills module, if applicable. *EDG team expenses could decrease to the extent involvement in question development reduces. *Potential increase in psychometric services to assure the reliability and validity of this new type of exam. New attorney practice analysis may be required. Psychometric support for new module also required, if applicable.

Bar Exam Options	Notes
NextGen (CA component)	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *State Bar Exam Software platform costs limited to CA component. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More info on impact of shorter responses and 100% double grading with NextGen pending. *Question development costs for CA component only. Would eliminate or reduce contracted costs for Kaplan Exam Services with early termination penalty paid in 2027. *Content validation of CA component only. *No question development work for EDG team (although contracts could be adjusted to assist with development of CA component). *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; current exam development staffing sufficient for CA component. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs. *Psychometric services provided by NCBE for grading NextGen exam, psychometric services for content validation of Kaplan questions no longer needed, but psychometric services needed for development and possibly scoring of CA component.
NextGen (no CA component)	<ul style="list-style-type: none"> *NextGen cannot currently be administered remotely or at small test centers, so test site costs will look very similar to today. *Need to provide continuous internet at exam site - critical for start and end of each session. *Significant reduction in workroom proctors with NextGen's computer-based exam (workroom proctors are 25% of July proctor costs and 10% February proctor costs). Additional proctor savings expected due to ability to change proctor to applicant ratios and ability to reduce proctor overtime. *No State Bar exam software platform for NextGen. NextGen tech fee of \$149 per applicant paid directly by applicant to NCBE. *Currently paying \$72 per applicant for MBE; will pay \$145 per applicant for NextGen. *More info on impact of shorter responses and 100% double grading with NextGen pending. *No question development costs. Termination of Kaplan contract by February 28, 2027, with early termination penalty at that time. *No content validation costs. *No written materials to print or ship to test sites; reduction in other materials shipped to test sites (currently min. 30 boxes, max exceeds 100 boxes). *Exam administration staff reduced through attrition; will need to increase exam dev staff for new exam development. Staff overtime costs at exam site reduced with elimination of paper materials and reduction of shipping needs. *Psychometric services provided by NCBE for grading NextGen exam; only ad hoc, psychometric services still required.

EXHIBIT 17



The State Bar of California

Regular Meeting of the Joint Board of Trustees and Committee of Bar Examiners
Teleconference
Location: 845 South Figueroa Street, Los Angeles, CA 90017
Remote Access: Zoom

Open Session Minutes
Friday, January 23, 2026
9:00 a.m.– 3:23 p.m.

Time meeting Commenced: The Board of Trustees joint meeting with the Committee of Bar Examiners commenced in open session at 9:00 a.m.

Time meeting Adjourned: 3:23 p.m.

Board of Trustees

Chair: José Cisneros

Board Secretary: Sharon Lim

Members Present: Patricia Barahona, Raymond Buenaventura, José Cisneros, Sarah Good, Debra Gore, Cynthia Grande, Ryan Harrison, Mary Huser, David Jargiello, Arnold Sowell Jr., Mattheus Stephens, Mark Toney

Members Absent: None

Staff Present: Ellin Davtyan, Erika Doherty, Laura Enderton-Speed

Committee of Bar Examiners

Chair: Alan Yochelson

Committee Coordinator: Devan McFarland

Members Present: James A. Bolton, Ph.D., Crosby Burns, Michael Cao, M.D., Kareem Gongora, Larry Kaplan¹, Paul A. Kramer, Justice Shama H. Mesiwala, Joshua Montgomery, Christopher S. Reed, Vincent Reyes, Judge Renee C. Reyna, Ashley Silva-Guzman², Juliane Smith, Alan Yochelson

Members Absent: Alexander C. Lawrence, Jr., Michael D. Lee, Bethany Peak

Staff Present: Tara Clark, Donna Hershkowitz, Cody Hounanian, Jean Krasilnikoff

¹ Larry Kaplan arrived late at 9:15 a.m.

² Ashley Silva-Guzman arrived late at 9:25 a.m.

OPEN SESSION

ROLL CALL

The Board of Trustees meeting was called to order by Chair Cisneros. Roll call was taken and a quorum was established for the Board. The Committee of Bar Examiners meeting was called to order by Chair Yochelson. Roll call was taken and a quorum was established for the committee.

PUBLIC COMMENT

Chair Cisneros called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Board:

1. Benjamin Kohn:
Stated that prior issues with the National Conference of Bar Examiners (NCBE), including limited flexibility for testing accommodations and remote administration, made switching away from the NCBE both necessary and overdue. Emphasized that alternative testing approaches, including remote exams, had been validated in prior practice and could reclaim operational control for the State Bar.
2. Jessica Jacobs:
Asserted that the State Bar denied credit for 18 months of study in the Law Office Study Program based on misleading submissions, impacting her bar exam eligibility. Argued that Chapter 6 protections should apply to the Law Office Study Program when exam credit or program participation is disputed.
3. Jules Sarkar:
Spoke on behalf of attorney applicants against the State Bar, urging the board and committee not to contract with the NCBE for the NextGen bar exam, citing concerns about the February 2025 exam's question authorship and the survey results used to justify it. Stated that the exam was not designed to measure attorney skills.
4. Ray Hayden:
Addressed California's bar exam costs and remote testing, arguing that remote proctoring is fundamentally unworkable and citing problems he experienced during prior remote exams. Urged the State Bar not to adopt the NCBE and instead pursue alternative exam options he believes are more effective.
5. Gil Peles:
Member of the Los Angeles County Bar Association Future of Lawyering Committee, stated that 52 bar associations strongly support continuing the California bar exam under the existing Kaplan contract, consistent with prior State Bar recommendations and the California Supreme Court decision. Cautioned against adopting untested alternatives like the NCBE NextGen or Nevada exams and urged further study before making major changes.

OPEN SESSION

1. Chair's Report

1.1 Chair of the Board of Trustees Report

Chair Cisneros provided an oral report.

1.2 Chair of the Committee of Bar Examiners Report

Chair Yochelson provided an oral report.

2. Consent Calendar for the Board of Trustees and Committee of Bar Examiners

2.1 Action on Addendum to the Committee of Bar Examiners' Refund of Fees Policy

RESOLVED, that the Committee of Bar Examiners approves the Addendum to the Committee of Bar Examiners' Refund of Fees Policy as set forth in Attachment B; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees approve the Addendum to the Committee of Bar Examiners' Refund of Fees Policy as set forth in Attachment B, effective immediately.

RESOLVED, that the Committee of Bar Examiners approve the consent calendar.

Consent Calendar moved by Kramer, seconded by Cao

Ayes – (13) Bolton, Burns, Cao, Gongora, Kaplan, Kramer, Mesiwala, Montgomery, Reed, Reyes, Reyna, Smith, Yochelson

Nays – (0)

Abstain – (0)

Recuse – (0)

Absent – (4) Lawrence, Lee, Peak, Silva-Guzman

Motion carries.

RESOLVED, that the Board of Trustees approves the Addendum to the Committee of Bar Examiners' Refund of Fees Policy as set forth in Attachment B, effective immediately.

RESOLVED, that the Board of Trustees approve the consent calendar.

Consent Calendar moved by Harrison, seconded by Grande

Ayes – (12) Barahona, Buenaventura, Good, Gore, Grande, Harrison, Huser, Jargiello, Sowell, Stephens, Toney, Cisneros

Nays – (0)

Abstain – (0)

Absent – (0)

Motion carries.

3. Business for the Board of Trustees and the Committee of Bar Examiners

3.1 Update from the Office of Admissions

Presenters: Donna Hershkowitz, Chief of Admissions
Tara Clark, Program Director, Admissions Operations
Cody Hounanian, Program Director, Exam Development

Presentation and discussion only.

3.2 Approval of Business Requirements for Delivery of the California Bar Examination; Approval of Rubric for Assessing the Ability of Vendors to Administer the California Bar Examination

Presenter: Tara Clark, Program Director, Admissions Operations

RESOLVED, that the Committee of Bar Examiners approves the Business Requirements for the Delivery of the California Bar Examination for the February 2027, July 2027, and February 2028 administrations, as set forth in Attachment A, and as amended this day by the Committee of Bar Examiners and the Board of Trustees; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners approves the Rubric to Assess the Ability of Vendors to Administer the California Bar Examination for the February 2027, July 2027, and February 2028 administrations, as set forth in Attachment B, and as amended this day by the Committee of Bar Examiners and the Board of Trustees.

Moved by Mesiwala, seconded by Cao

Ayes – (13) Bolton, Burns, Cao, Gongora, Kaplan, Kramer, Mesiwala, Reed, Reyes, Reyna, Silva-Guzman, Smith, Yochelson

Nays – (0)

Abstain – (1) Montgomery

Recuse – (0)

Absent – (3) Lawrence, Lee, Peak

Motion carries.

RESOLVED, that the Board of Trustees approves the Business Requirements for the Delivery of the California Bar Examination for the February 2027, July 2027, and February 2028 administrations, as set forth in Attachment A, and as amended this day by the Committee of Bar Examiners and the Board of Trustees; and it is

FURTHER RESOLVED, that the Board of Trustees approves the Rubric to Assess the Ability of Vendors to Administer the California Bar Examination for the February 2027, July 2027, and February 2028 administrations, as set forth in Attachment B, and as amended this day by the Committee of Bar Examiners and the Board of Trustees.

Moved by Toney, seconded by Gore

Ayes – (12) Barahona, Buenaventura, Good, Gore, Grande, Harrison, Huser, Jargiello, Sowell, Stephens, Toney, Cisneros

Nays – (0)
Abstain – (0)
Absent – (0)

Motion carries.

3.3 Discussion and Action, if Appropriate, on Roadmap to the Future California Bar Exam

A. Discussion with Kaplan Exam Services

Presenters: Brian Carlidge, Senior Vice President of Operations, Kaplan Exam Services
Becki Klepcyk, Executive Director of Program Management, Kaplan Exam Services

Presentation and discussion only.

B. Roundtable Discussion with Law School Deans

Representing American Bar Association-approved Law Schools:

Erwin Chemerinsky, University of California, Berkeley
Brietta Clark, Loyola Marymount University

Representing California Accredited Law Schools:

Linda Keller, Thomas Jefferson School of Law
Filomena Yeroshek, Lincoln Law School Sacramento

Representing Unaccredited Law Schools:

Melody Jolly, Taft Law School
William Hunt, California School of Law

Chief of Admissions Donna Hershkowitz acted as facilitator for this roundtable discussion.

Discussion only.

C. Discussion of Bar Exam Options

Presenters: Donna Hershkowitz, Chief of Admissions
Tara Clark, Program Director, Admissions Operations
Cody Hounanian, Program Director, Exam Development
Danette McKinley, Consultant, Office of Admissions
Louise Bahry, Consultant, Office of Admissions

RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees identifies for the California Supreme Court, the following as the bar exam option to be administered in July 2028: NextGen without a California component.

Moved by Kramer, seconded by Cao

Ayes – (8) Burns, Cao, Kaplan, Kramer, Mesiwala, Reed, Reyes, Yochelson
Nays – (6) Bolton, Gongora, Montgomery, Reyna, Silva-Guzman, Smith

Abstain – (0)
Absent – (3) Lawrence, Lee, Peak

Motion carries.

RESOLVED, that the Board of Trustees, upon recommendation of the Committee of Bar Examiners, identifies for the California Supreme Court, the following as the bar exam option to be administered in July 2028: NextGen without a California component.

Moved by Good, seconded by Huser

Ayes – (3) Buenaventura, Good, Huser
Nays – (8) Barahona, Gore, Grande, Harrison, Jargiello, Sowell, Toney, Cisneros
Abstain – (0)
Absent – (1) Stephens

*Motion fails.*³

RESOLVED, that the Board of Trustees, upon recommendation of the Committee of Bar Examiners, as amended, identifies for further research and development, prior to making a recommendation to the California Supreme Court, the following as the bar exam option to be administered in 2028: (1) NextGen without a California component and (2) Kaplan-developed questions.

Moved by Toney, seconded by Harrison

Ayes – (9) Barahona, Buenaventura, Gore, Grande, Harrison, Jargiello, Sowell, Toney, Cisneros
Nays – (2) Good, Huser
Abstain – (0)
Absent – (1) Stephens

Motion carries.

ADJOURN

³ Agenda item 3.3 Discussion and Action, if Appropriate, on Roadmap to the Future California Bar Exam, Section C. Discussion of Bar Exam Options: The Board of Trustees considered two duly presented motions, which were voted upon in reverse order in accordance with *Rosenberg’s Rules of Order*.

EXHIBIT 18



The State Bar of California

Regular Meeting of the Board of Trustees
Teleconference
Location: 845 South Figueroa Street, Los Angeles, CA 90017
Remote Access: Zoom

Open Session Minutes
Friday, January 23, 2026
9:00 a.m.– 3:23 p.m.

Time meeting Commenced: The Board of Trustees joint meeting with the Committee of Bar Examiners commenced in open session at 9:00 a.m.
Time meeting Adjourned: 3:23 p.m.

Board of Trustees

Chair: José Cisneros
Board Secretary: Sharon Lim
Members Present: Patricia Barahona, Raymond Buenaventura, José Cisneros, Sarah Good, Debra Gore, Cynthia Grande, Ryan Harrison, Mary Huser, David Jargiello, Arnold Sowell Jr., Mattheus Stephens, Mark Toney
Members Absent: None
Staff Present: Ellin Davtyan, Erika Doherty, Laura Enderton-Speed

Committee of Bar Examiners

Chair: Alan Yochelson
Committee Coordinator: Devan McFarland
Members Present: James A. Bolton, Ph.D., Crosby Burns, Michael Cao, M.D, Kareem Gongora, Larry Kaplan¹, Paul A. Kramer, Justice Shama H. Mesiwala, Joshua Montgomery, Christopher S. Reed, Vincent Reyes, Judge Renee C. Reyna, Ashley Silva -Guzman², Juliane Smith, Alan Yochelson
Members Absent: Alexander C. Lawrence, Jr., Michael D. Lee, Bethany Peak
Staff Present: Tara Clark, Donna Hershkowitz, Cody Hounanian, Jean Krasilnikoff

¹ Larry Kaplan arrived late at 9:15 a.m.

² Ashley Silva-Guzman arrived late at 9:25 a.m.

OPEN SESSION

ROLL CALL

The Board of Trustees meeting was called to order by Chair Cisneros. Roll call was taken and a quorum was established for the Board. The Committee of Bar Examiners meeting was called to order by Chair Yochelson. Roll call was taken and a quorum was established for the committee.

PUBLIC COMMENT

Chair Cisneros called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Board:

1. Benjamin Kohn:
Stated that prior issues with the National Conference of Bar Examiners (NCBE), including limited flexibility for testing accommodations and remote administration, made switching away from the NCBE both necessary and overdue. Emphasized that alternative testing approaches, including remote exams, had been validated in prior practice and could reclaim operational control for the State Bar.
2. Jessica Jacobs:
Asserted that the State Bar denied credit for 18 months of study in the Law Office Study Program based on misleading submissions, impacting her bar exam eligibility. Argued that Chapter 6 protections should apply to the Law Office Study Program when exam credit or program participation is disputed.
3. Jules Sarkar:
Spoke on behalf of attorney applicants against the State Bar, urging the board and committee not to contract with the NCBE for the NextGen bar exam, citing concerns about the February 2025 exam's question authorship and the survey results used to justify it. Stated that the exam was not designed to measure attorney skills.
4. Ray Hayden:
Addressed California's bar exam costs and remote testing, arguing that remote proctoring is fundamentally unworkable and citing problems he experienced during prior remote exams. Urged the State Bar not to adopt the NCBE and instead pursue alternative exam options he believes are more effective.
5. Gil Peles:
Member of the Los Angeles County Bar Association Future of Lawyering Committee, stated that 52 bar associations strongly support continuing the California bar exam under the existing Kaplan contract, consistent with prior State Bar recommendations and the California Supreme Court decision. Cautioned against adopting untested alternatives like the NCBE NextGen or Nevada exams and urged further study before making major changes.

OPEN SESSION

1. Chair's Report

1.1 Chair of the Board of Trustees Report

Chair Cisneros provided an oral report.

1.2 Chair of the Committee of Bar Examiners Report

Chair Yochelson provided an oral report.

2. Consent Calendar for the Board of Trustees and Committee of Bar Examiners

2.1 Action on Addendum to the Committee of Bar Examiners' Refund of Fees Policy

RESOLVED, that the Committee of Bar Examiners approves the Addendum to the Committee of Bar Examiners' Refund of Fees Policy as set forth in Attachment B; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees approve the Addendum to the Committee of Bar Examiners' Refund of Fees Policy as set forth in Attachment B, effective immediately.

RESOLVED, that the Committee of Bar Examiners approve the consent calendar.

Consent Calendar moved by Kramer, seconded by Cao

Ayes – (13) Bolton, Burns, Cao, Gongora, Kaplan, Kramer, Mesiwala, Montgomery, Reed, Reyes, Reyna, Smith, Yochelson

Nays – (0)

Abstain – (0)

Recuse – (0)

Absent – (4) Lawrence, Lee, Peak, Silva-Guzman

Motion carries.

RESOLVED, that the Board of Trustees approves the Addendum to the Committee of Bar Examiners' Refund of Fees Policy as set forth in Attachment B, effective immediately.

RESOLVED, that the Board of Trustees approve the consent calendar.

Consent Calendar moved by Harrison, seconded by Grande

Ayes – (12) Barahona, Buenaventura, Good, Gore, Grande, Harrison, Huser, Jargiello, Sowell, Stephens, Toney, Cisneros

Nays – (0)

Abstain – (0)

Absent – (0)

Motion carries.

3. Business for the Board of Trustees and the Committee of Bar Examiners

3.1 Update from the Office of Admissions

Presenters: Donna Hershkowitz, Chief of Admissions
Tara Clark, Program Director, Admissions Operations
Cody Hounanian, Program Director, Exam Development

Presentation and discussion only.

3.2 Approval of Business Requirements for Delivery of the California Bar Examination; Approval of Rubric for Assessing the Ability of Vendors to Administer the California Bar Examination

Presenter: Tara Clark, Program Director, Admissions Operations

RESOLVED, that the Committee of Bar Examiners approves the Business Requirements for the Delivery of the California Bar Examination for the February 2027, July 2027, and February 2028 administrations, as set forth in Attachment A, and as amended this day by the Committee of Bar Examiners and the Board of Trustees; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners approves the Rubric to Assess the Ability of Vendors to Administer the California Bar Examination for the February 2027, July 2027, and February 2028 administrations, as set forth in Attachment B, and as amended this day by the Committee of Bar Examiners and the Board of Trustees.

Moved by Mesiwala, seconded by Cao

Ayes – (13) Bolton, Burns, Cao, Gongora, Kaplan, Kramer, Mesiwala, Reed, Reyes, Reyna, Silva-Guzman, Smith, Yochelson

Nays – (0)

Abstain – (1) Montgomery

Recuse – (0)

Absent – (3) Lawrence, Lee, Peak

Motion carries.

RESOLVED, that the Board of Trustees approves the Business Requirements for the Delivery of the California Bar Examination for the February 2027, July 2027, and February 2028 administrations, as set forth in Attachment A, and as amended this day by the Committee of Bar Examiners and the Board of Trustees; and it is

FURTHER RESOLVED, that the Board of Trustees approves the Rubric to Assess the Ability of Vendors to Administer the California Bar Examination for the February 2027, July 2027, and February 2028 administrations, as set forth in Attachment B, and as amended this day by the Committee of Bar Examiners and the Board of Trustees.

Moved by Toney, seconded by Gore

Ayes – (12) Barahona, Buenaventura, Good, Gore, Grande, Harrison, Huser, Jargiello, Sowell, Stephens, Toney, Cisneros

Nays – (0)
Abstain – (0)
Absent – (0)

Motion carries.

3.3 Discussion and Action, if Appropriate, on Roadmap to the Future California Bar Exam

A. Discussion with Kaplan Exam Services

Presenters: Brian Carlidge, Senior Vice President of Operations, Kaplan Exam Services
Becki Klepcyk, Executive Director of Program Management, Kaplan Exam Services

Presentation and discussion only.

B. Roundtable Discussion with Law School Deans

Representing American Bar Association-approved Law Schools:

Erwin Chemerinsky, University of California, Berkeley
Brietta Clark, Loyola Marymount University

Representing California Accredited Law Schools:

Linda Keller, Thomas Jefferson School of Law
Filomena Yeroshek, Lincoln Law School Sacramento

Representing Unaccredited Law Schools:

Melody Jolly, Taft Law School
William Hunt, California School of Law

Chief of Admissions Donna Hershkowitz acted as facilitator for this roundtable discussion.

Discussion only.

C. Discussion of Bar Exam Options

Presenters: Donna Hershkowitz, Chief of Admissions
Tara Clark, Program Director, Admissions Operations
Cody Hounanian, Program Director, Exam Development
Danette McKinley, Consultant, Office of Admissions
Louise Bahry, Consultant, Office of Admissions

RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees identifies for the California Supreme Court, the following as the bar exam option to be administered in July 2028: NextGen without a California component.

Moved by Kramer, seconded by Cao

Ayes – (8) Burns, Cao, Kaplan, Kramer, Mesiwala, Reed, Reyes, Yochelson
Nays – (6) Bolton, Gongora, Montgomery, Reyna, Silva-Guzman, Smith

Abstain – (0)
Absent – (3) Lawrence, Lee, Peak

Motion carries.

RESOLVED, that the Board of Trustees, upon recommendation of the Committee of Bar Examiners, identifies for the California Supreme Court, the following as the bar exam option to be administered in July 2028: NextGen without a California component.

Moved by Good, seconded by Huser

Ayes – (3) Buenaventura, Good, Huser
Nays – (8) Barahona, Gore, Grande, Harrison, Jargiello, Sowell, Toney, Cisneros
Abstain – (0)
Absent – (1) Stephens

Motion fails.⁵

RESOLVED, that the Board of Trustees, upon recommendation of the Committee of Bar Examiners, as amended, identifies for further research and development, prior to making a recommendation to the California Supreme Court, the following as the bar exam option to be administered in 2028: (1) NextGen without a California component and (2) Kaplan-developed questions.

Moved by Toney, seconded by Harrison

Ayes – (9) Barahona, Buenaventura, Gore, Grande, Harrison, Jargiello, Sowell, Toney, Cisneros
Nays – (2) Good, Huser
Abstain – (0)
Absent – (1) Stephens

Motion carries.

ADJOURN

⁵ Agenda item 3.3 Discussion and Action, if Appropriate, on Roadmap to the Future California Bar Exam, Section C. Discussion of Bar Exam Options: The Board of Trustees considered two duly presented motions, which were voted upon in reverse order in accordance with *Rosenberg’s Rules of Order*.

EXHIBIT 19



The State Bar of California

2.1 Discussion of the Draft Analysis of Future Bar Exam Options, as Required by California Rule of Court 9.6(b), Including Reporting on Cost and Efficiency as Required by California Business and Professions Code § 6046.2

Donna Hershkowitz, Chief of Admissions

Cody Hounanian, Program Director, Office of Admissions

Subcommittee on Examination Development, February 20, 2026

Background



Board directed staff research two options:

- Use of Kaplan while collecting more data about NextGen UBE
- Adopt NextGen UBE w/o a CA component (CBE rec.)



Risk-Benefit Analysis Required by California Rule of Court 9.6(b)



Reporting on Cost and Efficiency as Required by California Business and Professions Code § 6046.2



Background

Top Five Guiding Principles

Preliminarily Identified
by Members Prior to
Jan 2026 Meeting

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

Background

Top Five Factors to Drive Selection Preliminarily Identified by Members Prior to Jan 2026 Meeting

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

Use of Kaplan

- Use Kaplan-developed MCQs, essays, and PTs, plus existing item bank content starting February or July 2028
- State Bar responsible for item development
- Provides time to evaluate NextGen UBE technology and performance data
- Future decision: Adopt NextGen UBE no earlier than July 2031 or develop a new California-specific exam with a 5–10-year development window

Adopt NextGen UBE

- Adopt NextGen UBE without a California-specific component starting July 2028
- Exam includes: 120 standalone MCQs, 3 PTs, and 6 integrated item sets
- State Bar purchases the full exam from NCBE; no longer develops its own content
- Future action not foreclosed: Add a California component or develop a new California-specific exam with a 5–10-year development window





Preliminary Draft Analysis

- Final report will respond to rule 9.6 and BPC § 6046.2 requirements
- Preliminary draft includes placeholders for sections not yet started or indicates where additional content will be added
- Feedback from Subcommittee will be incorporated ahead of joint meeting of the CBE and the Board on March 13



Subcommittee Feedback

Tangible and intangible benefits and risks for examinees and the state bar (Rule 9.6(b)(1))

- Fairness, Equity, and Affordability
- Preparation Resources
- Transparency and Stakeholder Confidence
- Administration Mode and Flexibility
- Frequency and Scheduling (Timing of Administration)
- Technology and System Reliability
- Support and Accommodations
- Assessment of Minimum Competence (Content Validity)



Subcommittee Feedback

Alternative, existing products or services that are feasible to accomplish the same goals and objectives (Rule 9.6(b)(2))

- Likely not applicable to the current evaluation
 - No status quo or “existing” exam that could be used

Subcommittee Feedback

Impact of new technological requirements or new fees on examinees (Rule 9.6(b)(3))

- Incorporated into tangible and intangible risks and benefits (Rule 9.6(b)(1))
- Use of Kaplan
 - Requires contract with vendor that could increase costs passed down to applicants
 - Vendor software requirements can create barriers for those with older hardware
 - Examinees are frontline testers for software
 - Lack of confidence in exam vendor
- Adopt NextGen UBE
 - No handwriting as a preference, computer-based administration creates a financial barrier for some
 - State Bar has no ability to negotiate license and technology fees which are passed down to examinees
 - Examinees are frontline testers for software
 - Examinees must navigate nationwide technical support managed by NCBE or its vendors

Subcommittee Feedback

Estimated need for staff to
implement the selected
option (Rule 9.6(B)(4))

- Pending

Subcommittee Feedback

Timeframe for implementation (Rule 9.6(b)(5))

- Use of Kaplan
 - February 2028: In-person administration at large test sites
 - Earliest possible date after providing notice
 - Early 2029: Evaluate NextGen
 - July 2031: Earliest possible date to adopt NextGen UBE at that time after providing notice
- Adopt NextGen UBE
 - July 2028: Earliest possible date after providing notice
- Future Decision Development Efforts
 - CA Component: July 2027 rec. for delivery July 2029
 - New CA Exam: Five-to-ten-year development window

Subcommittee Feedback

Efficiency and cost analysis required under Business and Professions Code § 6046.2

- Evaluation of Risks and Benefits section of report provides information necessary
- Early assessment
 - NextGen UBE offers greater operational efficiency for the State Bar
 - NCBE responsible for: content development, fairness and bias review, sample items, and technical support
 - Use of Kaplan provides flexibility to pursue cost-lowering measures, but comes with operational workload and higher risk
 - Adopting NextGen avoids costs related to exam development and review, but fees are set by NCBE and State Bar has no flexibility to pursue many cost-lowering measures

Questions?



The State Bar of California

OPEN SESSION

AGENDA ITEM

2.1 FEBRUARY 2026

COMMITTEE OF BAR EXAMINERS, SUBCOMMITTEE ON EXAMINATION DEVELOPMENT

DATE: February 20, 2026

**TO: Members, Committee of Bar Examiners, Subcommittee on Examination
Development**

FROM: Cody Hounanian, Program Director, Office of Admissions

**SUBJECT: Discussion of the Draft Analysis of Future Bar Exam Options, as Required by
California Rule of Court 9.6(b), Including Reporting on Cost and
Efficiency as Required by California Business and Professions Code § 6046.2**

EXECUTIVE SUMMARY

In January 2026, the Committee of Bar Examiners (CBE) and the Board of Trustees (Board) continued their evaluation of options for the California Bar Examination beginning in 2028. At that meeting, the CBE and Board considered:

- The results of prior CBE and Board discussions, including presentations by NCBE and the State Bar of Nevada about different exam options;
- The results of surveys of current and prospective applicants, current licensees, bar associations and disability rights organizations, and CBE and Board members;
- A preliminary analysis of the cost impacts of bar exam options as compared to current bar exam expenses;
- A preliminary assessment of the risks and benefits associated with each option;
- Feedback provided by law school deans during a roundtable discussion;
- A presentation by Kaplan Exam Services (Kaplan) about its development of items under contract with the State Bar; and
- Staff observations during a beta test of the National Conference of Bar Examiners' (NCBE) NextGen Uniform Bar Exam (NextGen UBE).

The CBE recommended to the Board to pursue the NextGen UBE, without adding a California-specific component. The Board, not prepared to narrow it down to a single option, directed

staff to further explore two options for the CBE's and the Board's consideration. Attachment A is a first draft of the analysis required by California Rules of Court rule 9.6(b) to assist the CBE and the Board in developing a final recommendation for the California Supreme Court.

Staff seeks feedback from the CBE's Subcommittee on Examination Development to refine this draft analysis for its presentation at the joint meeting of the Board and CBE on March 13, 2026.

RECOMMENDED ACTION

Informational item only

DISCUSSION

In January 2026, the CBE and the Board held a joint meeting to continue evaluating options for the California Bar Examination beginning in 2028.

At the meeting, state Bar staff and consultants presented a summary of the results of prior CBE and Board discussions, observations made during an in-person beta test of the NextGen UBE conducted in January 2026, a high-level cost analysis indicating the cost impacts of bar exam options as compared to current bar exam expenses, and a preliminary assessment of the risks and benefits associated with each option.

The meeting also featured a presentation from Kaplan, the State Bar's vendor for developing multiple-choice, essay, and performance test items for future exams, and a roundtable discussion with deans representing American Bar Association–approved law schools, California-accredited law schools, and registered, unaccredited law schools.

Additional materials provided to the CBE and the Board include the results of surveys of current and prospective applicants, current licensees, bar associations and disability rights organizations, and CBE and Board members.

Following discussion on the extensive information provided, the CBE recommended to the Board pursuing the NextGen UBE, without adding a California-specific component, as the option to be administered beginning in 2028.

Upon receiving the CBE's recommendation, the Board, not prepared to narrow it down to a single option, directed staff to conduct further research into two options for consideration before it makes a final recommendation to the Court:

- Adoption of the NextGen UBE without a California-specific component.

Under this approach, the State Bar would purchase the entire exam from the NCBE and no longer develop its own exam content. The NextGen UBE will include: 120 standalone multiple-choice items; three performance tasks; and six integrated item sets — a new item type that combines a common fact pattern with multiple-choice, short-answer, and

medium-answer items. This exam is computer-based and is administered twice per year (February and July) over 1.5 days.

- Use of questions developed under contract with Kaplan, along with other questions currently in the State Bar’s item bank.¹

Under this approach, the State Bar would continue administering an exam with multiple-choice, essay, and performance test items. It would develop all of its own items, including new multiple-choice items to replace the NCBE’s Multistate Bar Exam, which will no longer be offered after February 2028. This is not a long-term solution, but rather one that would allow time to review data before deciding the direction of the future bar exam. Over the course of the first five administrations of the NextGen UBE (July 2026, February 2027, July 2027, February 2028, and July 2028) the State Bar would confirm that the technology supporting the NextGen UBE is able to support the increased load of all the testers and does not pose an unacceptable technological risk, and would review performance data (to the extent available) to determine if the NextGen UBE aligns with California’s guiding principles, and consider any further information necessary to its future decision.²

Neither option precludes California from developing its own exam in the future should the Court determine that course of action is appropriate. But a final decision would be delayed until at least July 2029. If the NextGen UBE is adopted at that time, following the statutorily required notice, the exam could first be administered in July 2031.

DRAFT ANALYSIS OF FUTURE BAR EXAM OPTIONS

Research conducted at the direction of CBE and the Board will be incorporated into a risk-benefit analysis exploring the two different exam options currently under consideration. The analysis, will be submitted to the Supreme Court, alongside a recommendation for the future bar exam as required by California Rules of Court rule 9.6(b).

The rule requires that the analysis address the following:

- 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

¹ California has a bank of essays and PTs from its prior development efforts; in addition, that bank will be supplemented by essays and PTs delivered by Kaplan pursuant to its contract with the State Bar, after appropriate content validation processes are completed.

² Ten jurisdictions will administer the NextGen UBE in July 2026, 13 in February 2027, and three in February 2028. An additional 21 jurisdictions, including the larger jurisdictions, are set to administer the NextGen UBE in July 2028. One jurisdiction which has announced its adoption of the NextGen UBE has not yet indicated when it will first administer that exam.

- for the State Bar and the examinees.³
- 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.⁴

Additionally, the analysis will meet the requirements of Business and Professions Code section 6046.2⁵, which directs the CBE to report to the Board, the Chief Justice of California, and to the state Assembly and Senate Committees on Judiciary on whether adopting a uniform bar examination, such as the NextGen UBE, would be more efficient to administer and lower the cost of administration for the State Bar and examinees.

A preliminary draft of the analysis required by rule 9.6(b), incorporating research completed to date, is provided as Attachment A.

Staff recommends that the Subcommittee on Examination Development focus its discussion of the preliminary draft on the tables exploring the risks and benefits of each of the exam options. Input received will guide revisions prior to presenting an updated draft to the CBE and Board at their joint meeting on March 13, 2026.

NEXT STEPS

Following the March 2026 joint meeting, the draft analysis will be further refined to incorporate feedback from both the CBE and the Board. A revised draft will be presented to the CBE at its April 2026 meeting. The analysis—either as is or as amended at the CBE’s direction—will then proceed to the Board in May 2026, at which time the Board will consider the report and CBE’s recommendation.

PREVIOUS ACTION

³ At its October 2025, 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 each option supports is an important step in ultimately developing the recommendation to advance.

⁴ The CBE is 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).) Some of these points of analysis or comparison may be more applicable in transitioning the exam driver or exam administration vendor than in transitioning to a new bar exam.

⁵ In previous staff reports and meetings, the requirements in California Business and Professions Code section 6046.2 were referred to as AB 484 which was the bill number for this language as it was considered by the state legislature.

January 23, 2026: Presentation to the Board and the CBE jointly to move forward toward a decision on the future bar exam. Robust and informative discussions were held with Kaplan to assess its viability to continue to provide exam content, and with a roundtable of six law school deans representing California's three law school types to hear their recommendations and rationales. What followed was a spirited discussion amongst trustees and CBE members to arrive at a preliminary recommendation.

- [Presentation](#)
- [Staff Report](#)
- [Presentation from Kaplan Exam Services](#)
- [Findings of Survey of California Law School Deans](#)
- [Findings of Survey of Board of Trustees and Committee of Bar Examiners](#)
- [Key Findings of Other Stakeholders' Surveys](#)
- [High-Level Exploration of Cost Implications of Bar Exam Options](#)
- [Slide Deck \(Preliminary Cost Impacts of Bar Exam Options\)](#)

December 5, 2025: Presentation to the CBE with an update on new information and providing the opportunity to hear directly from NCBE and Nevada:

- [Presentation](#)
- [Staff Report](#)
- [Materials Related to the NextGen UBE](#)
- [Materials Related to the Nevada Comprehensive Licensing Exam](#)

November 21, 2025: Presentation to the Board with an update on what was presented to CBE on October 10, 2025, and including information learned since the CBE meeting:

- [Presentation](#)
- [Staff Report](#)
- [Survey of CA Law School Deans: Preliminary Results](#)

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/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.

FISCAL/PERSONNEL IMPACT

Attachment E to item 3.3 at the January 23, 2026, joint meeting of the Board and the CBE provided a high-level exploration of the cost implications of the several exam options then under consideration. The analysis compared each option to the current costs of developing and administering a bar exam relative to the costs of the July 2025 bar exam and the anticipated costs of the February 2026 bar exam. That analysis will be updated before the March 13 joint meeting to focus on the two options remaining under consideration and to better identify actual costs, to the extent possible.

AMENDMENTS TO RULES

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

- a. 2. Update and modernize the bar admissions requirements to be more relevant to the practice of law to eliminate unnecessary barriers to admission, or to implement changes to the bar examination or other pathway to licensure approved by the Supreme Court.

RESOLUTIONS

Informational item only

ATTACHMENT LIST

- A. Preliminary Draft Analysis of Future Bar Exam Options

Risk – Benefit Analysis for California State Bar Exam

[Table of Contents](#)

[List of Tables](#)

[List of Figures](#)

[Acronyms](#)

[Glossary](#)

DRAFT

Introduction and Purpose

In late 2020, the California Supreme Court adopted the charter for the Joint Supreme Court/State Bar Blue Ribbon Commission on the Future of the California Bar Exam (BRC). The BRC was charged with “developing recommendations concerning whether and what changes to make to the California Bar Exam, and whether to adopt additional testing or tools to ensure minimum competence to practice law. . . . [T]he commission shall explore other issues to ensure that the exam is an effective tool for determining whether applicants are prepared to practice law ethically and competently at a level appropriate for an entry-level attorney.” More specifically, the Commission was asked to consider:

- Whether there is sufficient alignment in the knowledge, skills, and abilities to be tested by the UBE with the knowledge, skills, and abilities required of entry-level California attorneys to argue in favor of its adoption by California.
- If adoption of the UBE is recommended, whether there should be supplementary content and skills tested or trained on to meet specific California needs, and if so, modalities for that testing or training.

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

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

- Topics to be Tested: The exam must test the following 12 topics³:
 - Civil Procedure
 - Constitutional Law
 - Contracts
 - Criminal Law and Procedure

¹ Cite / link to BRC report

² Cite To pages where the history can be found

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

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

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

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

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

REASSESSMENT

While long-term planning had begun, the State Bar made a significant short-term shift. Motivated by a desire for a more accessible and affordable exam, and armed with data that suggested a majority of test takers preferred a remote experience, the State Bar executed a contract with Kaplan Exam Services (Kaplan) on August 9, 2024, to develop its own multiple-choice items (MCQs), replacing the National Conference of Bar Examiners' (NCBEs) Multistate Bar Examination (MBE). This decoupling was intended to enable options for exam delivery, specifically remote and small test-center-based administration, which was not an option if administering an NCBE product.

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

The State Bar faced significant criticism about its administration of the exam and the consequences for test takers. As a result, for the July 2025 administration, the Court provided two mandates: first, on March 4, the Court directed the State Bar to plan for an in-person

⁴ Over the course of several discussions about the impact of the technological and proctoring issues, the Committee of Bar Examiners recommended and the Supreme Court approved the following scoring adjustments: (1) in each the MCQ and written sections, Imputing scores for test takers who had blank responses if they had responses for at least two-thirds of the questions in the specific section; (2) imputing performance test scores for all test takers who failed the exam and using the imputed score if it exceeded the score otherwise awarded. In addition, to address the widespread challenges, in lieu of individualized scoring adjustments based on the specific issues each individual applicant experienced, the Committee recommended, and the Supreme Court approved, setting the raw minimum passing score two standard errors of measure below that recommended by the standard setting panel. The Committee also altered its policy for how scores were calculated for test takers who had a "second read" of their written responses, using the higher of the two scores given on each question rather than the average. Though not a scoring adjustment, the Board and the Committee also recommended that the Supreme Court adopt a provisional licensure program for certain February 2025 test takers.

administration, and then, on May 2, the Court ordered the return to the NCBE's MBE.⁵ In addition, the California Legislature and the Supreme Court took further action:

- *Legislation:* SB 253 (Umberg), Ch. 405, Stats. of 2025, amended Business and Professions Code section 6046.6 to mandate an 18-month notice period before switching vendors for the MCQs from the NCBE. This 18-month notice requirement is in addition to the existing requirement for a two-year notice for any alterations to the bar exam that require substantial modification of the training or preparation required for passage of the exam. This effectively requires, at a minimum, the use of the MBE through the July 2027 exam should a recommendation be made and adopted to return to the items the State Bar developed with Kaplan, absent any other changes. The statutory amendments also require a two-year notice period to switch to a remote administration of the exam and a 120-day notice period for changes that affect the user experience with the testing software and changes to the medium in which the testing materials are provided.
- *Legislation:* AB 484 (Dixon), Ch. 155, Stats. of 2025, amended Business and Professions Code section 6046.2 to require the State Bar to report to the Board of Trustees, the Chief Justice of the California Supreme Court, and to the state Assembly and Senate Committees on Judiciary on whether adopting a uniform bar examination, such as the NextGen UBE, would be more efficient to administer and lower the cost of administration for the State Bar and examinees.
- *Rule Changes:* On September 25, 2025, the Supreme Court adopted revisions to Title 9 of the California Rules of Court to clarify the roles and responsibilities of the CBE, the Board, and the Court regarding the bar exam. A key provision (Rule 9.6(b)) requires the CBE to conduct and submit a comprehensive cost-benefit analysis for any proposed substantial changes to the exam's content or administration. The specific requirements of rule 9.6(b) are discussed extensively below.

DECIDING THE FUTURE OF ATTORNEY LICENSURE IN CALIFORNIA

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

⁵ In its petition to the Supreme Court dated April 29, 2025, the State Bar described its intention to make more robust its content validation process, and not that “this Court may conclude that . . . the State Bar should be directed to utilize the MBE for the July 2025 General Bar Examination so that there is not a risk that the process improvements are not effectively implemented before the next administration of the bar examination.

Over the last year, the State Bar has engaged in in-depth discussions among the Board and the Committee, both separately and jointly, and led a multi-faceted stakeholder engagement process to determine the format of the bar exam for July 2028, when the MBE will no longer be available.

May 2025: The Board adopted the following guiding principles and priorities to help further decisions about the development and administration of future bar exams⁶:

- Doing it right is more important than doing it fast or cheap.
- Exam must be reliable and predictable.
- Minimizing risk:
 - If changes are made, with phase rollout, move with caution
 - If changes are made, use proven technology with appropriate testing and risk minimization.
- Exam must appropriately assess for minimum competence to practice law in California.
- Exam must be accessible, affordable, fair, and equitable for test takers.
- Lessons from the 2025 Bar Exam must be learned before moving to a remote, online exam.
- Consider developing an exam that can be delivered more frequently than twice per year.
- Caution cannot trump innovation.
- Consider both remote and in-person options.
- Improve work with stakeholders:
 - Ensure greater transparency.
 - Ensure stakeholder perspectives are sought out and considered.
 - Partner with law schools to test exam administration platforms/approaches.
 - Strong collaboration between 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.

August 2025-November 2025: At the CBE's August 2025 meeting, it established specific subcommittees on Examination Administration and Examination Development to oversee the operational delivery and content creation for future exams.

⁶ The CBE adopted those same guiding principles and priorities in August 2025 and added the following principle: avoid locking the State Bar into long-term vendor contracts to provide flexibility in licensing innovation.

The Board and the CBE also held a joint meeting in August 2025 to align on the future direction of the exam with an initial discussion of three high-level options for February 2028 and beyond.

At its September 2025 meeting, staff presented results from the test-taker survey conducted following the July 2025 bar exam, which reflected a continuing decline in the stated preference for remote administration (from 64 percent to 51 percent to 49 percent to 29 percent for February 2024, July 2024, February 2025, and July 2025 test takers, respectively).

The Board presentation also included significant information about lessons learned from the February 2025 experience and process improvements that were implemented or planned in response.

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

- ABA-approved (ABA) and California Accredited Law Schools (CALs) generally preferred adopting the NextGen UBE.
- Registered unaccredited law schools (unaccredited) generally preferred a streamlined California exam limited to MCQs and performance tests (PTs) similar to what was adopted by the State Bar of Nevada.

The Board discussion started to break down the three exam options under discussion, noting that the NextGen UBE required a determination of whether to include a California component, and if so, the purpose of that component and how it would be tested. The streamlined exam model, similar to Nevada, under discussion required a determination of whether to include a supervised practice component, an online module, or another approach to test skills not effectively tested on the MCQs and PTs.

December 2025: State Bar staff and consultants presented the CBE with a decision-making framework to help identify the decision points that must be made and the consequences of making each decision. The CBE also heard informative presentations from representatives of the NCBE about its NextGen UBE and the State Bar of Nevada about its Comprehensive Licensing Examination. These presentations gave the CBE greater insight into these options and allowed

them to ask questions to help shape their views.⁷ At this meeting, the CBE also began considering the broader set of options:

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

January 2026: The State Bar led several stakeholder engagement efforts. First, State Bar staff met with deans and academic support faculty from all categories of California law schools. Feedback indicated that ABA schools strongly favor the NextGen UBE, without an added California component, due, in part, to a lack of confidence in the State Bar’s capacity to develop a reliable exam following the February 2025 administration issues and the benefits of score portability. Separately, the CBE and the Board had previously received letters from deans, including one from 11 ABA law school deans urging the adoption of the NextGen UBE.

To supplement the written and oral public comment provided to the Board and the CBE at all of its meetings since the February 2025 administration, the State Bar also administered a survey to current licensees, applicants who registered with the State Bar in the last five years, bar associations, and disability rights organizations. The effort yielded over 13,500 responses. A

⁷ Board members were invited to listen in on these presentations live or by reviewing the recordings and materials. Links to both were sent to the Board members to facilitate their ability to gather the same information as CBE members.

similar survey regarding preferences and weighting of guiding principles was issued to members of the CBE and the Board in December 2025.

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

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

- a) Licensees and Applicants: The CBE and the Board analyzed over 13,500 responses from the legal community. This data highlighted a divide: applicants preferred the NextGen UBE (for portability, alignment with most jurisdictions, and cost considerations), while current licensees preferred maintaining a California-specific exam (for assessment of California law and competency, focus on applied skills, and long-term continuity).
- b) Law School Dean Preferences: They reviewed the survey results from law school deans, which showed that ABA and CALS schools favored the NextGen UBE, while unaccredited schools preferred a streamlined California exam.
- c) Internal Rankings: They also looked at how the CBE and the Board members themselves ranked their adopted guiding principles and priorities (e.g., fairness, equity, etc.).

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

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

Strategic Context: Consultants provided an overview of factors for the CBE and the Board to consider in providing the Supreme Court with their recommendation for 2028 (whether February or July). The consultants framed the discussion around the level of control the State Bar would have for three specific options seen as feasible for implementation:

- A California-developed exam (using Kaplan to continue development of MCQs, essays, and performance tests or developing a test along the lines of the Nevada Model)⁸;

⁸ Because the focus was on the exam to be delivered in February or July 2028, a "California-developed exam" in this scenario is not the same as the California-developed exam directed by the Supreme Court in its October 10, 2024, order.

- Adoption of the new NextGen UBE with a California component; or
- Adoption of the new NextGen UBE without a California component.

The specific factors examined included psychometric best practices, the guiding principles and priorities adopted by the CBE and the Board, guidance from the Supreme Court in its October 10, 2024, order, which included a related set of guiding principles, and the results of the surveys completed by the CBE and the Board in December 2025 and others in January 2026. In their survey, the CBE and the Board were asked to identify the top five most important guiding principles. Drawing from the guiding principles, the survey also identified factors for consideration in determining the future bar exam. Although there was significant overlap with the guiding principles, the CBE and the Board were also asked to identify the top five factors for consideration.

The top five guiding principles across the two groups were:

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

When evaluating specific factors to help drive the selection of the future exam, they prioritized alignment with California practice and cost over national portability, with the top five factors selected being:

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

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

The guiding principles inform what is valued by the CBE, the Board, and the Supreme Court, and the stakeholder feedback informs what is desired. Consultants provided a set of evaluation criteria to inform what is feasible, providing an operational filter to pass the available options

through to ensure the choice is grounded in evidence and the chosen exam can be delivered securely and sustainably. The CBE and the Board were presented with heatmaps to promote discussion and provide a framework for making their decision.

The heat map discussed included the following criteria to assist in the evaluation of operational feasibility and risk management capabilities of the State Bar, asking to what degree the State Bar can direct, implement, and sustain the exam effectively while ensuring accountability and minimizing legal, operational, and reputational risk.

Table X. Risk-Benefit Evaluation Criteria for Decision Making for Recommendation to the Supreme Court

Evaluation Criterion	Context and Rationale
Time to Implement	Evaluates the feasibility of delivery against the non-negotiable July 2028 deadline, looking at whether the development schedule is dictated by external vendor roadmaps (where release dates are externally set) or internal project management (where the State Bar sets the pace for piloting and rollout).
Readiness to Implement	Measures the gap between our current state and the required "Go Live" state. This criterion allows for the evaluation of the current state of operational preparedness. It asks if the necessary infrastructure, policy frameworks, and vendor agreements are already in place, or if significant foundational work is required before implementation can begin.
Accountability	Measures the State Bar's ability to enforce quality standards and demand transparency. It determines if the Bar functions as an active architect of the exam (with full view of the data) or a client receiving a finished product. It assesses the State Bar's ability to oversee performance and enforce standards, ensuring that vendors or partners remain answerable for deliverable quality and security.
Risk Mitigation	Evaluates the chain of command during a critical failure. It asks: When an exam session crashes, does the State Bar have the direct authority to intervene and fix it, or is the State Bar reliant on a vendor's support? This refers to the State Bar's capacity to proactively identify and neutralize problems.
Technology Need	Innovation requires infrastructure. This criterion assesses the trade-off between using a pre-packaged, supported platform (stability) versus the agency—and responsibility—of architecting a custom digital ecosystem (sovereignty). It considers whether the State Bar must procure, build, or integrate new software platforms and hardware infrastructure to support the option.
Personnel Need	This defines the organizational shape required to sustain the exam. It distinguishes between options that allow management of contracts using existing staff versus options that require building new internal capacity. It

	evaluates whether current staffing levels and subject matter expertise are sufficient, or if significant hiring, training, or external consulting is necessary to manage the workload.
Flexibility for Future Development	This criterion considers the reality of the State Bar building an exam for the future, not just 2028. This ensures the avoidance of a rigid system that becomes obsolete the moment legal standards shift or are updated. This evaluates whether an option is a static product fixed in time, or a dynamic platform that allows the State Bar to update content and testing methods independently as the definition of "competence" changes.

The CBE and the Board were also reminded of discussions they had to date about key elements of the cost-benefit analysis required by rule 9.6(b) to help shape their recommendation, specifically, that they had already discussed the following:

- The alignment of future bar exam options with guiding principles
- Pros and cons of different options.
- Preliminarily identified tangible and intangible benefits for the State Bar and examinees.
- Preliminarily identified assessment of the extent to which the technological requirements of the different options impose financial burdens on examinees.

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

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

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

performance data (to the extent available) to determine if the NextGen UBE aligns with California’s guiding principles, and consider any further information.⁹

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

LEGAL AND REGULATORY BASIS

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

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

1. The direct and indirect costs and the tangible and intangible benefits for the State Bar and examinees of existing practices compared to the proposed changes;
2. Any other alternative, existing products or services that are feasible to accomplish the same goals and objectives as the proposed changes and at a comparable or lower cost for the State Bar and the examinees;
3. Whether any new technological requirements or new fees to implement the proposed changes would place an undue financial burden on the examinees;
4. The estimated number of temporary and non-temporary full-time equivalent positions necessary to implement the proposed changes;
5. The estimated timeframe required to competently implement the proposed changes; and
6. Whether the proposed changes have previously demonstrated their efficacy under testing conditions similar to those of the bar examination.¹⁰

⁹ Ten jurisdictions will administer the NextGen UBE in July 2026, 13 in February 2027, and three in February 28. An additional 21 jurisdictions, including the larger jurisdictions, are set to administer the NextGen UBE in July 2028. One jurisdiction has not yet announced the date it will transition to the NextGen UBE.

¹⁰ https://courts.ca.gov/cms/rules/index/nine/rule9_6

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

EVALUATION OF RISKS AND BENEFITS

OUTLINING THE OPTIONS

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

This option involves using Kaplan-developed MCQs, essays, and PTs, along with other essays and PTs currently in the item bank, for administration beginning February or July 2028. Under this approach, the State Bar would continue administering an exam with MCQs, essays, and PTs, and it would develop its own items. Based on the discussion by the CBE and the Board, this option is not intended to serve as a bridge to a specific future option but rather would allow more time to determine whether the technology used for the NextGen UBE performs well when deployed in the jurisdictions, including larger jurisdictions, and to assess performance data. Also, since the NCBE has only set the cost for the exam through July 2028, it would allow a more detailed determination of the cost impacts. This option would allow for the adoption of either the NextGen UBE or the development of a new California-specific exam in the future.

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

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

TANGIBLE AND INTANGIBLE BENEFITS AND RISKS OF EXAMINEES AND THE STATE BAR (RULE 9.6(B)(1))

The analysis of tangible and intangible benefits and the identification of risks centers on the examinee experience and public protection, evaluating how each option impacts barriers to entry, fairness, and overall accessibility. These criteria are framed to ensure alignment with the mandate that the exam design be fair, equitable, and grounded in evidence-based practices. For each criterion, it is noted whether the option being evaluated provides more risk or benefit when looking at the specific considerations. The categories align with the Court, Board, and CBE adopted guiding principles and priorities. It is important to understand, however, that not all

principles and priorities are deserving of equal weight. As noted above, the Board and CBE weighted the following as the top five most important principles and priorities to be able to achieve with the new exam:

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

Conversely, the Board and CBE weighted the following as among the least important principles and priorities to be able to achieve with the new exam:

[INSERT BOTTOM 5]

Fairness, Equity, and Affordability: This criterion evaluates whether the exam option minimizes disparate impact based

on race, gender, ethnicity, disability, and other immutable characteristics. It balances the Board’s directive that doing it right is more important than doing it fast or doing it cheap against the need for affordability. It further considers the mode and method of delivery as a component of fairness, ensuring financial barriers do not impede access.

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: SB retains full control to implement universal design and specific equity initiatives to adhere to stated equity goals and principles.</p>	<p>Benefit to the State Bar: NextGen UBE incorporates input from experts on user experience to address fairness and equity issues.</p> <p>Platform addresses accessibility needs that are significantly more requested than remote administration as a testing accommodation.</p>
<p>Risk to the State Bar: The State Bar’s content review panel and EDG team are responsible for the final assessment of whether items are biased.</p>	<p>Risk to the State Bar: The SB relies entirely on NCBE's fairness reviews.</p> <p>The SB cannot directly intervene to adjust the exam for California-specific equity goals.</p> <p>The SB has no ability to negotiate license and technology fees, which are passed down to examinees through SB fees.</p>

<p>Benefit to Examinees: Potential for reduced travel costs if remote and small test-center-based administration is implemented, minimizing financial barriers. (Not anticipated for in 2028)</p>	<p>Benefit to Examinees: Examinees are tested on a nationally validated instrument used by at least 48 other jurisdictions.</p> <p>The platform addresses accessibility needs, including large font, speech-to-text capability, screen-reading capability, audio version of the exam, and high and low contrast visibility.</p>
<p>Risk to Examinees: Depending on requirements, the new platform can create an inequitable testing environment for those with older hardware.</p> <p>A new platform could increase the cost of participation in the exam.</p>	<p>Risk to Examinees: Computer-based administration requiring examinees bring their own laptop creates a potential financial barrier for those without compliant devices.</p>

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

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: Contract with Kaplan includes the development of study aids.</p> <p>The SB has already prepared content maps. Revised study guides are ready for content validation and subject matter expert review.</p>	<p>Benefit to the State Bar: Low burden for the State Bar. The NCBE produces and manages sample items.</p>
<p>Risk to the State Bar: Stakeholders lack confidence in the SB to develop effective preparation resources, as questions were raised about the accuracy of the originally published student and faculty guides.</p>	<p>Risk to the State Bar: None identified</p>
<p>Benefit to Examinees: Exam retains a similar design to the current exam being administered, making existing preparation resources relevant.</p>	<p>Benefit to Examinees: Sample items available at no cost. A mature national market of test-prep vendors ensures study materials are widely available immediately.</p>
<p>Risk to Examinees: High uncertainty about the extent to which the shift to exam developer may affect the quality of the test preparation materials.</p>	<p>Risk to Examinees: None identified</p>

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

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: SB controls the information that is shared about the exam development and administration process.</p> <p>SB can engage stakeholders directly and incorporate their feedback into exam-related decisions.</p> <p>SB can collect and analyze performance data, and create technical documentation, which can contribute to evidence-based decision-making.</p>	<p>Benefit to the State Bar: Some key stakeholders have greater confidence in the NCBE's ability to develop exam content.</p> <p>NCBE's multi-year implementation plan included several opportunities to collect operational and item performance data.</p>
<p>Risk to the State Bar: Bearing full reputational risk for any failures and lack of stakeholder confidence due to recent exam history.</p>	<p>Risk to the State Bar: Technical documentation and process documentation are internal and not publicly available.</p> <p>Stakeholders cannot audit national scoring. This lack of transparency requires the SB to work with the NCBE for the explanation of any anomalies to stakeholders.</p> <p>Adopting NextGen UBE early means limited evidence regarding operational feasibility and item performance.</p>
<p>Benefit to Examinees: Partnering with law schools to test platforms helps build trust.</p> <p>Ensuring the examinee perspective is heard throughout the process.</p>	<p>Benefit to Examinees: The NCBE is an established vendor, potentially inspiring more confidence than a new, untested California platform.</p> <p>Examinees can access the platform online to familiarize themselves with its functionality.</p>

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
	A small numbers of California test takers have the opportunity to participate in the NextGen beta test or pilot tests.
<p>Risk to Examinees: Examinees may lack confidence in a new, unproven exam developer compared to the NCBE, and SB’s past history may cause a lack of confidence in administration vendor selection, especially if efforts are made to deliver the exam more efficiently and less costly by the elimination of hard copy materials or future efforts to go remote.</p>	<p>Risk to Examinees: None identified</p>

Administration Mode and Flexibility: This factor weighs the balance between caution and innovation, assessing the availability of both remote and in-person delivery options. It evaluates whether the delivery method accommodates diverse examinees’ needs without compromising security, ensuring that "caution cannot trump innovation" while still strictly adhering to lessons learned regarding remote delivery. This criterion also considers the Board’s principles to minimize risks and to explore delivering the exam “more frequently than twice per year.

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: SB can dictate site selection based on administration frequency if the volume of items is sufficient. (e.g., small test centers).</p>	<p>Benefit to the State Bar: None identified.</p>
<p>Risk to the State Bar: SB incorrectly assesses the ability to deliver a remote exam, resulting in significant consequences in time, money, and reputation.</p> <p>Use of small test centers requires a number of forms that depletes the item bank too quickly.</p>	<p>Risk to the State Bar: The SB is locked into a twice-a-year schedule with no option for remote delivery or deviation from national test dates.</p>
<p>Benefit to Examinees: Option allows for consideration and testing of technology for innovative item formats and solutions (e.g., remote testing).</p>	<p>Benefit to Examinees: None identified</p>
<p>Risk to Examinees: Examinees are the frontline testers for new software.</p>	<p>Risk to Examinees: Examinees must test in person at specific times; remote administration is not offered. Examinees are the frontline testers for new software.</p>

Frequency and Scheduling (Timing of Administration): This criterion considers the Board’s principle of offering the exam more frequently than twice per year. It evaluates how the scheduling of the exam impacts an examinee's ability to enter the workforce quickly, prioritizing options that reduce the waiting period for licensure.

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
Benefit to the State Bar: Greater flexibility to move towards alternate scheduling (e.g., quarterly).	Benefit to the State Bar: None identified.
Risk to the State Bar: Ability to retain graders for what will become nearly year-round grading; cost of grading.	Risk to the State Bar: Administration is currently limited to two times per year (Feb/July), preventing the SB from offering more frequent testing to speed up licensure.
Benefit to Examinees: If administered more frequently than two times per year, examinees who fail may re-take the exam sooner, reducing income loss and accelerating workforce entry.	Benefit to Examinees: None identified.
Risk to Examinees: None identified.	Risk to Examinees: Examinees who fail must wait a full six months for the next cycle, delaying workforce entry, as opposed to more frequent options.

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

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
Benefit to the State Bar: No short-term benefits identified. However, the long-term benefit is the opportunity to observe the initial administrations of the NextGen UBE to understand technological risks before considering it in the future.	<p>Benefit to the State Bar: Beta test conducted to demonstrate operational success. Three full exam administrations prior to July 2028 to allow identification and remediation of any issues.</p> <p>Through July 2028, NCBE will have 10 backup laptops and 1 technical support person per 100 test takers to ensure a stable administration. Numbers post-July 2028 are TBD.</p>

<p>Risk to the State Bar: Bearing full reputational risk for any failures and lack of stakeholder confidence due to recent exam history.</p> <p>Requires SB to effectively select and manage vendors to ensure each exam administration is consistent with intention.</p>	<p>Risk to the State Bar: Technical documentation and process documentation are internal and not publicly available. Large jurisdictions such as New York and Florida will not deploy until July 2028, leaving a question as to the vendor’s and platform’s capabilities when at full load.</p>
<p>Benefit to Examinees: The ability to partner with law schools to test platforms helps build trust.</p> <p>Ensuring the examinee perspective is heard throughout the process.</p>	<p>Benefit to Examinees: The NCBE is an established vendor, potentially inspiring more confidence than a new, untested California platform. The beta test in January, the pilot test scheduled for April 2026 in California, and the rollout of the platform in other jurisdictions will build confidence in the platform.</p>
<p>Risk to Examinees: Examinees may lack confidence in a new, unproven exam administration vendor.</p>	<p>Risk to Examinees: None identified</p>

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

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: SB is accountable for the management of support and accommodations.</p>	<p>Benefits to the State Bar: SB determines accommodations to be approved and transmits the decision to NCBE.</p>
<p>Risk to the State Bar: Must identify and manage a vendor that is able to successfully implement at least the typically awarded accommodations.</p>	<p>Risk to the State Bar: Support is NCBE managed, meaning the SB cannot directly resolve examinee issues during the exam cycle. Timeline for approval of accommodations may change to meet NCBE managed offerings.</p>
<p>Benefit to Examinees: SB could decide to deploy remote technology or use of small test centers more quickly than NCBE would.</p>	<p>Benefit to Examinees: Platform has incorporated features, including the ability to change the font size, speech-to-text capability, screen-reading capability, audio version of the exam, high and low contrast visibility, which are requested at a much greater frequency than remote administration.</p>

<p>Risk to Examinees: Lack of confidence in a decision to transition to remote or small test center administration based on experience with February 2025.</p>	<p>Risk to Examinees: Examinees generally must navigate national protocols for technical support, which may be less responsive than a direct State Bar channel.</p> <p>Remote administration is subject to the determination of NCBE that the technology can be deployed consistent with exam security and integrity requirements of a high-stakes exam.</p>
---	---

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

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: SB controls the definition of minimum competency, the content map, and scoring rules.</p> <p>Ability to test California-specific doctrinal areas.</p>	<p>Benefit to the State Bar: The content and skills to be tested align substantially with the content and skills of entry-level attorneys in California, as determined by California’s practice analysis.</p> <p>The exam places greater emphasis on skills, and the exam blueprint clearly distinguishes between areas that require knowledge of legal concepts and principles and those where foundational knowledge is not necessary to demonstrate the tested skills.</p>
<p>Risk to the State Bar: The Kaplan exam will not include the updated content maps recommended by CAPA, the Blue Ribbon Commission, and the Supreme Court.</p>	<p>Risk to the State Bar: Assessment is based on a national practice analysis, not the California-specific CAPA study. It does not cover California doctrinal areas.</p>

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
Initially, no change to the level of memorization required or assessment of skills.	
Benefit to Examinees: The exam content is aligned with current MBE content and additional testing of California rules, providing familiarity to examinees.	Benefit to Examinees: Scores are likely to be transferable (portability), allowing examinees to transfer their scores to other NextGen UBE jurisdictions, provided that they meet or exceed that jurisdiction's passing score.
Risk to Examinees: None identified.	Risk to Examinees: Whether other jurisdictions will allow graduates of CALS or unaccredited schools to port their scores remains unknown.

Table X, below, summarizes the risks and benefits identified for both options and all components.

Table X. Summary of Tangible and Intangible Risks and Benefits to the State Bar and Examinees

Considerations	Option 1: Use of Kaplan The State Bar		Option 2: Adopt Next Gen The State Bar	
		Examinees		Examinees
Fairness, Equity, and Affordability	Benefit: Full control	Benefit: Potential to reduce costs	Benefit: Expertise and accessibility features	Benefit: Nationally validated exam
	Risk: Bias review	Risk: Technology inequities	Risk: Low control of exam design	Risk: Costly technology requirements
Preparation Resources	Benefit: Study aids	Benefit: Relevance of existing resources	Benefit: Low burden; NCBE managed	Benefit: No cost sample items and national market of resources
	Risk: Low confidence in State Bar resources	Risk: High uncertainty about quality of resources		
Transparency and Stakeholder Confidence	Benefit: Full control and high transparency	Benefit: Law school engagement	Benefit: Greater confidence	Benefit: Greater confidence
	Risk: Reputational risk	Risk: Lower confidence	Risk: Low transparency	
Administration Mode and Flexibility	Benefit: Site selection flexibility	Benefit: Exploration of innovation	Risk: Rigid model	Risk: Lack of flexibility and frontline testers for software
	Risk: Sunk time and costs exploring remote exams	Risk: Frontline testers for software		
Frequency and Scheduling	Benefit: Greater flexibility	Benefit: Accelerated workforce entry	Risk: Fixed frequency and schedule	Risk: Delayed workforce entry
	Risk: Cost of grading			
Technology and System Reliability	Benefit: Observe early administrations of NextGen	Benefit: Examinee perspective can impact exam design	Benefit: NCBE testing and technical support	Benefit: Greater confidence
	Risk: Reputational risk and vendor reliability	Risk: Lower confidence in exam vendor	Risk: Lack of operational information	
Support and Accommodations	Benefit: Control of support and accommodations granted	Benefit: Greater flexibility in administration solutions	Benefit: Control of accommodations granted	Benefit: Accessibility features
	Risk: Reliance on vendor to implement many accommodations	Risk: Lack of confidence in administration solutions	Risk: NCBE controls exam-day support	Risk: Navigating national support instead of engagement with State bar

Assessment of Minimum Competence	Benefit: Full control and ability to test California-specific content	Benefit: Familiar design and content	Benefit: Substantial alignment with California practice analysis and greater emphasis on skills	Benefit: Portability for ABA law school graduates
	Risk: At least initially, misalignment with CAPA, BRC, Supreme Court		Risk: No California-specific content	Risk: No portability for CALS or unaccredited law school graduates

DRAFT

EVALUATION OF THE DIRECT AND INDIRECT COSTS (9.6(B)(1))

[PENDING – update chart from January 23, 2026, with numbers and limit to the 2 options]

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

The requirement to evaluate whether there are any other alternative, existing products or services that are feasible to accomplish the same goals and objectives of the proposed changes is likely not applicable to the current evaluation. There is no status quo or “existing” exam that could be used. As of July 2028, the bar exam that California administers *will* be different than the exam that is administered today. NextGen UBE is a new option, the Nevada model is a new option. An argument can be made that the Board’s option 2 – continuing to use Kaplan while more information is developed – is the closest thing to an existing exam to explore.

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

Appendix A includes an evaluation of how the two options compare across key components of the assessment lifecycle: Assessment Development and Assessment Administration.

How each option relates to the adopted guiding principles is described in the section above on tangible and intangible benefits. See Table X for a summary.

IMPACT OF NEW TECHNOLOGICAL REQUIREMENTS OR NEW FEES ON EXAMINEES (9.6(B)(3))

The requirement to evaluate whether any new technological requirements or new fees to implement the proposed changes would place an undue burden on examinees is incorporated in both the discussion of tangible and intangible benefits and direct and indirect costs.

[PENDING – lift the relevant pieces from the tangible / intangible risk benefits section to add here]

ESTIMATED NEED FOR STAFF TO IMPLEMENT THE SELECTED OPTION (9.6(B)(4))

Option 1: Use of Kaplan

Option 2: Adopt NextGen UBE

TIMEFRAME FOR IMPLEMENTATION (9.6(B)(5))

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

HAVE THE OPTIONS DEMONSTRATED EFFICACY UNDER SIMILAR TESTING CONDITIONS (9.6(B)(6))

This analytical point may be more appropriate, for example, for a change from an in-person to a remote administration. The NextGen UBE is a new exam, which will have its first administration at the end of July 2026. In January 2026, NCBE conducted a beta test in four jurisdictions, testing 1,500 applicants. The administration went smoothly [PENDING – insert information from preliminary results expected March 2026], with minimal technical issues reported. Fewer than 3 percent of applicants had technical issues that required replacement of their personal laptop with a vendor-provided laptop.¹¹ [PENDING – also insert information from preliminary survey results, expected March 2026]

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

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

¹¹ Through the July 2028 administration, NCBE will provide 10 backup laptops for every 100 test takers (10 percent). For the beta test, NCBE replaced laptops for user issues that may not warrant a replacement should they occur during the exam.

The Evaluation of Risks and Benefits section of this report provides the information necessary to compare the efficiency and cost implications of the use of Kaplan compared to the adoption of the NextGen UBE.

Adopting the NextGen UBE appears to offer greater operational efficiency for the State Bar. Under this model, the National Conference of Bar Examiners (NCBE) assumes significant responsibilities, including exam content development, fairness and bias review, provision of sample items, and technical support during administration. This reduces the State Bar's internal workload and mitigates risks associated with managing multiple contractors and vendors.

Cost impacts are mixed across both options. Use of Kaplan provides the State Bar with flexibility to pursue cost-lowering measures for examinees, including reducing travel costs and offering more frequent exam administrations to minimize opportunity costs. These benefits, however, come with operational workload, heightened risk for exam delivery and reputational risk for the State Bar, and the need for robust vendor management to prevent costly failures.

Adoption of NextGen UBE would allow the State Bar to avoid substantial costs related to item development and review. However, licensing and technology fees for the NextGen UBE are set externally and passed through to examinees. Additionally, the State Bar would have limited ability to implement cost-reduction strategies, such as remote administration or small test-center options, which could reduce travel and related expenses for examinees.

RECOMMENDATION AND JUSTIFICATION

RECOMMENDATION

JUSTIFICATION

CONDITIONS FOR SUCCESS

APPENDICES

DRAFT

APPENDIX A: ASSESSMENT LIFECYCLE FOR THE TWO EXAM OPTIONS

Tables X and X, below help set the stage for this analysis by examining key information known about the content and delivery of each of the options identified by the Board and the CBE. Tables explore information about the exam options across two separate components of the assessment lifecycle: assessment development and assessment administration.

The following terms define the specific elements within these phases, which are set forth in Tables X and X.

ASSESSMENT DEVELOPMENT

Assessment Content: The inputs determining test coverage. It is assumed to rely on a Practice Analysis and an Assessment Blueprint to achieve content validity.

Content Creation: The process of Item Development and Item Review, defined as the rigorous drafting and refining of items to ensure they are unambiguous, legally accurate, free from bias, and are appropriately crafted to test for minimum competence.

Psychometric Support for Assessment Development: The statistical processes and procedures required to ensure fairness, including Pre-Testing (evaluating items), Form Assembly (building balanced tests), Form Equating (ensuring difficulty consistency), Standard Setting (determine a pass line that is aligned with the expected KSAs of exam takers), and Technical Documentation (summarizing the statistical processes and procedures followed).

Management: The role that State Bar staff plays in ensuring that the assessment development process is executed properly and on time, and that process documentation is created resulting in continuous improvement. This includes Coordination and Management of Work and Timelines (facilitation among staff, consultants, and vendors) and Documentation of Processes (collecting and synthesizing data from across the assessment development lifecycle to gain insights).

ASSESSMENT ADMINISTRATION

Mode of Administration: The delivery format (e.g., traditional in-person, remote proctoring, or hybrid). This factor is a primary driver of accessibility and cost.

Administration Technology: The software and hardware ecosystem required for secure delivery, including technology requirement for examinees and vendor platform stability.

Scoring and Reporting: The post-administration calculation of scores and dissemination of results, requiring ongoing psychometric oversight.

Table X. Information Known Regarding Use of Kaplan

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

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

	Management	Coordination and Management of Work and Timelines	<p>Led by Office of Admissions Director of Examination Development.</p> <p>Workflows and timelines established by State Bar policy, coordination with contractors, contractual obligations with vendors, and psychometric best practices.</p>
		Documentation of Processes	Occurs for each exam administration and includes information on item development and banking, equating, passing rates, and recommendations.
Assessment Administration	Mode of Administration		<p>In-person at large venues determined by the State Bar</p> <p>Essay and PT items printed in hardcopy with responses captured on computer; option to deliver MCQs and capture responses using printed hardcopy materials or computer.</p> <p>Option to explore remote or hybrid exams in the future while meeting notice requirements under Business and Professions Code section 6046.6.</p>
	Administration Time		Twice per year; two days for general applicants and one day for attorney applicants for standard administration
	Administration Technology	Software and Hardware Requirements for Secure Delivery	<p>Exam vendor selected following a formal Request for Proposals using business requirements and an established assessment rubric.</p> <p>State Bar has ultimate responsibility for vendor selection, platform performance and stability, user interface and experience.</p>

			State Bar facilitates sharing examinee data with vendor; no additional software or hardware required for staff.
		Examinee Technology Requirements	<p>Access to a laptop computer that meets minimum system requirements of software, and internet connectivity before and after the exam, as determined by vendor. (Possibility for higher system requirements or internet connectivity throughout the exam based on vendor and decisions about exam delivery.)</p> <p>Examinees must download and take the mock exam to ensure familiarity with the platform and that the laptop meets requirements prior to sitting for the exam</p>
	Psychometric Support	Scoring	Platform for grading; monitoring graders for reliability, compilation of statistics by item
		Reporting	Rescores, irregularity analysis, reconsideration policy
		Technical Documentation	Requirement: Includes information about exam administration incidents, recommendations for improvement
	Management	Coordination and Management of Work and Timelines	<p>Led by Office of Admissions Director of Admissions Operations.</p> <p>Workflows and timelines established State Bar policy, coordination with contractors, contractual obligations with vendors, and psychometric best practices.</p>
		Documentation of Process	Proctor manual, incident reporting, recommendations for process improvement

**Table X. Information Known Regarding NextGen UBE Adoption
(Without a California Component)**

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

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

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

DRAFT

Appendix B. Risk-Benefit Framework Considerations

Framework element	Description	Source
Acceptability	The exam maintains consistency with bar exams used in other jurisdictions to support uniform preparation and planning by law schools and examinees.	Supreme Court
Fairness and equity	Fairness and equity of the examination or alternative should be considered, including cost and delivery method. Fairness and equity of the examination or examination alternative, should be an important consideration in developing the recommended approach. Fairness and equity include but are not limited to cost and the mode and method of how the exam or exam alternative delivered or made available.	Supreme Court
Fairness and equity	The recommended examination or alternative should minimize disparate performance impacts based on race, gender, ethnicity, or other immutable characteristics.	Supreme Court
Validity	Admission to the State Bar of California requires a demonstration of knowledge, skills, and abilities currently required for the entry-level practice of law, referred to as minimum competence.	Supreme Court
Validity	Admission requires minimum competence in professional ethics and professional responsibility.	Supreme Court
Validity	Criteria for admission should ensure protection of the public.	Supreme Court
Validity	The recommended examination or alternative should be evidence-based.	Supreme Court
Acceptability	Doing it right is more important than: -Doing it fast -Doing it cheap	Board/CBE principles
Acceptability	Minimizing risk: -If changes are made, phase rollout, move with caution -If changes are made, use proven technology, with appropriate testing and minimization of risk.	Board/CBE principles
Acceptability	Improve work with stakeholders: Ensure greater transparency. Ensure stakeholder perspectives are sought out and considered. Partner with law schools to test exam administration platforms /approaches. Strong collaboration between Board, CBE, and the Court. Engage with legislative partners	Board/CBE principles
Fairness and equity	Exam must be accessible, affordable, fair, and equitable for test takers.	Board/CBE principles

Practicality and scalability	Consider developing an exam that can be delivered on a more frequent basis than 2 times per year.	Board/CBE principles
Practicality and scalability	Consider both remote and in person options.	Board/CBE principles
Reliability	Exam must be reliable and predictable.	Board/CBE principles
Validity	Exam must appropriately assess for minimum competence to practice law in California.	Board/CBE principles

DRAFT

DRAFT