

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 5 OF 6)**



PREPARED BY
THE STATE BAR OF CALIFORNIA

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EXHIBIT 20



The State Bar of California

OPEN SESSION

AGENDA ITEM

3.1 MARCH 2026

JOINT BOARD OF TRUSTEES AND COMMITTEE OF BAR EXAMINERS

DATE: March 13, 2026

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

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

SUBJECT: Discussion of the Draft Risk-Benefit 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 light of the challenges experienced and criticisms received with both the content and administration of the February 2025 California Bar Examination, the Board of Trustees, the Committee of Bar Examiners (CBE), 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 Board and the CBE are tasked with recommending to the Court whether to continue on the path outlined in the Court's October 10, 2024, order, or to forge a different path.

To assist the Board and the CBE in developing a final recommendation, staff have been supplementing the information about the bar exam options initially discussed during the August 14, 2025, joint meeting of the Board and the CBE and any other options that evolve as these discussions continue. Discussions occurred at the October 10, 2025, CBE meeting, the November 20, 2025, Board meeting, the December 5, 2025, CBE meeting, the January 23, 2026, joint meeting of the Board and the CBE, and the February 20, 2026, meeting of CBE's Subcommittee on Examination Development. After the March 13, 2026, joint meeting of the Board and the CBE, the CBE will finalize the risk-benefit analysis and its recommendation at its April 2026 meeting. The planned culmination of these conversations will occur at the May 2026 Board meeting, when the final recommendation to the Court will be decided.

The intended focus of this presentation is the review by the Board and the CBE of the draft risk-benefit analysis, a combination of the analysis required by rule 9.6(b) of the California Rules of Court and Business and Professions Code section 6046.2. (See Attachment A)

As a reminder, this staff report includes analyses of input from key stakeholders, including law school deans, current licensees, and past, current, and prospective bar exam licensees not currently licensed to practice law in California (See Attachments B, C, and D). Also included is a compilation of articles and opinion pieces addressing this critically important decision before the CBE and the Board, including an article in which Chief Justice Patricia Guerrero expressed a personal preference for the future bar exam. (See Attachment E).

In addition, this staff report includes information learned from the last presentation about the NextGen Uniform Bar Exam (NextGen UBE) and includes a memo about the Nevada model, which was recently submitted to the Board chair by the Nevada Board of Bar Examiners chair. (See Attachment F).

RECOMMENDED ACTION

Informational item only. Although the Board and the CBE are not precluded from taking action at this time, the intention of this meeting is to get feedback on the draft risk-benefit analysis to assist staff in bringing the analysis to its final state for the upcoming meetings of the CBE in April and the Board in May.

DISCUSSION

In January 2026, the Board and the CBE 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 Board and CBE 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 Board and the CBE include the results of surveys of current and prospective applicants, current licensees, bar associations and disability rights organizations, and Board and CBE 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

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.

With this option, a final decision would be delayed until at least July 2029. If the NextGen UBE is adopted at that time (or the Nevada model), following the statutorily required notice, the exam could first be administered in July 2031.

Neither option precludes California from making a decision at some point in the future to develop its own exam.

UDAPTED INFORMATION ABOUT THE NEXTGEN UBE

On March 3, staff met with Kara Smith, Chief Product Officer at the National Conference of Bar Examiners (NCBE) to conduct further research about the NextGen UBE to address areas where the information was previously unknown or not as robust as necessary for CBE or the Board. NCBE also provided an update to all jurisdictions on March 6, which includes some additional helpful information. Highlights of the discussion and March 6 update follows.

Type of Data to Be Reported to Jurisdictions

Previously, staff did were not aware of the type of data NCBE would provide to jurisdictions administering the NextGen UBE, and whether that would impact California’s ability to conduct

the analyses we find important to assess the performance of California examinees. Now, staff understand that the data provided to jurisdictions will be robust, allowing California to conduct extensive research into applicant performance. Data will include:

- Both raw scores and scaled scores. For the Multistate Bar Examination (MBE), NCBE only provides scaled scores, so this is an important change.
- For both the raw and scaled scores, comparative performance at the question type level (i.e., for each test taker, the percentage of test takers nationally that each test taker performed better than on the performance tests, the standalone multiple-choice questions (MCQ), and each of the two types of integrated question sets.)
- For the MCQs, NCBE will also analyze the comparative performance by the subject (i.e., for each test taker, the percentage of test takers nationally that the test taker performed better than on the civil procedure questions on the MCQs).
- Beginning in 2028, the data will also include percentile analyses for performance in the different skill areas tested.

Understanding the Ability of the ITS Platform to Meet the Needs

Since the beta and pilot tests did not include anywhere near the volume of test takers who will be simultaneously taking the exam when all jurisdictions go live (with the largest number of jurisdictions beginning in July 2028), members of the Board and the CBE sought more information about the confidence level in the ability of the platform to support the load.

Kara Smith shared that they are extremely confident in the ability of the platform to support all test takers. She noted that they had been conducting synthetic load testing, that is using software to simulate user traffic to allow an analysis of application performance, responsiveness and reliability to see how much the system can bear. She also noted that with this simulation, they tested how the system performed with 90,000 downloads of a session at the same time. She reported the system capably handled this load, which represents a significantly higher amount than would be required even if every jurisdiction opted into NextGen.

In addition, ITS (the platform vendor) added four additional servers, and they are now conducting synthetic load testing for more than 90,000 simultaneous downloads. She noted that they have redundant servers so if one set goes down others can take over. She also noted that ITS is not dependent on the AWS server, so problems with that server will not impact NextGen testing.

Technical Support and Costs of the Per Applicant Fee (Paid by the Jurisdictions) and the Technology Fee (Paid by the Applicants) After July 2028

Through the July 2028 exam, NCBE has set the fee that jurisdictions will pay at \$145 per examinee. In addition, applicants will pay a technology fee of \$149. We sought information about possible changes to those fees after July 2028. Kara Smith did not provide an update on what might be expected with regard to the fee jurisdictions pay (as we focused the discussion on the technology fee).

Staff learned the following about the technology fee:

- The fee supports the tech support provided at the exam sites (currently 1 tech proctor per 100 applicants) and the back up devices provided at the exam (currently 10 per 100 applicants)
- The number of tech proctors and back up devices was intended to give jurisdictions confidence that if technical problems arose, they could be addressed timely with the appropriate support. However, the beta test conducted in January 2026 with 1,500 test takers demonstrated a need for significantly fewer back up devices and tech proctors (with fewer than 3 percent of applicants needing back up devices, even when those devices were deployed for situations unrelated to the platform and for which they were not intended, e.g., the applicant dropped their laptop). NCBE will monitor the data to determine what the actual level of need is. In 2027, NCBE anticipates knowing what the needs will be for tech proctors and back up devices and thus what the amount of the fee will be.

Proctor to Applicant Ratios

Currently, NCBE requires jurisdictions to use a 1:50 proctor to applicant ratio. California actually uses a 1:30 ratio. Through 2028, the 1:50 ratio will remain the same. It is anticipated that those ratios will be reduced following 2028 based on observations. In light of the reduced requirements on proctors with the computer-based NextGen UBE, California would be wise to consider reducing ratios to ones more consistent with the 1:50 ratios NCBE currently requires.

Grading

Grading of the beta test was just completed and NCBE surveyed the graders and conducted grader focus groups. California had a number of graders participate in the grading, and will conduct its own focus group with the graders shortly.

The summary of NCBE's grader survey is that, with a high 71 percent response rate, the general sentiment was that the process was efficient and smooth. Key survey data are as follows:

- 88 percent of graders reported that the scoring guide materials were adequate
- 84 percent indicated the training set was sufficient,
- More than 80 percent rated the rubric and benchmark annotations as highly helpful in applying scoring standards.
- Nearly 60 percent of graders reported that the grading platform was easy or extremely easy to use, while 17 percent were neutral and 24% reported some difficulty navigating the system.
- 73 percent of graders reported that calibration was sufficient, and 62 percent rated reconciliation positively, with many describing reconciliation discussions as constructive and helpful in aligning scoring approaches.

Testing Accommodations

NextGen has partnered with Level Access, a third-party accessibility organization, to conduct an independent audit of the delivery platform against recognized accessibility standards. The goal is to achieve full accessibility certification prior to the administration set for this coming July.

Reports of the first round of the audit were extremely positive. NCBE is working to implement recommendations provided by Level Access.

Resource Implications for Developing New Platform

Ms. Smith shared that the ITS platform was a custom build, with NCBE designing all of the user interface and the back end. NCBE hired a third-party to evaluate the accommodations incorporated into the platform such as speech-to-text, text-to-speed, and stop-the-clock breaks. Ms. Smith estimated that the effort resulted in the doubling in size of NCBE, with the need to bring on board developers, experts in user interface, etc. She noted that designing the custom platform was very resource intensive.

UPDATED INFORMATION ABOUT THE NEVADA MODEL

Although the Nevada model was not one of the options undergoing further review following the Board’s direction at the January 2026 joint meeting, the Board chair asked that we share a brief memo prepared by the Chair of the Nevada Board of Bar Examiners that urges California to adopt a form of the Nevada model, asserting the benefits of its four-hour MCQ test, administered four-times per year in small test centers, and its six-hour lawyering performance test exam (performance tests) that can be administered in bigger convention centers or smaller test centers. Mr. Trachok, who presented at the December 5, 2025, meeting of the CBE, argues that the Nevada model is fully scalable, and that these two exam components, administered without Nevada’s supervised practice requirement, “on their own are more valid and reliable than NextGen.” See Attachment F for more information.

RISK-BENEFIT ANALYSIS

The draft risk-benefit analysis explores the two options that the Board focused in on at the January 2026 joint meeting, option 1 – use of Kaplan until for a couple of years until more data is available, or option 2 – adopt NextGen UBE, without a California component. The risk-benefit analysis is more robust by having two options to compare against one another, and staff believes this structure should remain. However, the Board and the CBE may desire to submit a final, singular recommendation to the Supreme Court. The risk-benefit analysis is intended to help us understand the best recommendation in light of the factors considered.

Staff are continuing to update the draft analysis with the latest research and data received. For example, the draft notes that information about performance on the NextGen UBE beta test, as well as survey data reflecting impressions of examinees, is still pending. Grading of the beta test just concluded, and the survey results are being calculated. This information will be added to the document as soon as it becomes available.

The Board and the CBE are encouraged to recommend changes to any of the components of the analysis.

PREVIOUS ACTION

February 20, 20226, Subcommittee on Examination Development Meeting: 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

- [Staff Report](#)
- [Preliminary Draft Analysis of Future Bar Exam Options](#)
- [Presentation](#)

January 23, 2026, Joint Meeting of the Board of Trustees and the Committee of Bar Examiners: Discussion and Action, if Appropriate, on Roadmap to the Future California Bar Exam (Certain attachments excluded below to avoid duplication)

- [Staff Report](#)
- [Comparative Analysis of Stakeholder Survey Responses, Including Initial Thinking of Members of Board of Trustees and Committee of Bar Examiners](#)
- [Presentation from Kaplan Exam Services](#)
- [Introductory Presentation; Preliminary Cost Impacts of Bar Exam Options](#)
- [Presentation on the Risks and Benefits of Different Options](#)

December 5, 2025, Committee of Bar Examiners Meeting: Discussion and Action, if Appropriate, on Roadmap to the Future California Bar Exam

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

November 21, 2025, Board of Trustees Meeting: Discussion Regarding a Roadmap to Recommending the Future Bar Exam (Certain attachments are excluded below to avoid duplication)

- [Presentation](#)
- [Staff Report](#)

October 10, 2025, Committee of Bar Examiners Meeting: Initial Discussion and Action, if Appropriation, on Select Components of the Cost-Benefit Analysis and Report Required Under California Rules of Court, Rule 9.6(b) and AB 484 (Dixon)

- [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 Meeting of the Board of Trustees and the Committee of Bar Examiners: Discussion and Action, if Appropriate, on Development of Recommendations for Future California Bar Exams Following the July 2025 Administration

- [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](#), Office of Admissions Update: 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, 2025, 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 Blue Ribbon Commission on the Future of the Bar Exam (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

Please see the evaluation of direct and indirect costs included as part of the risk-benefit analysis.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

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

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

RESOLUTIONS

None

ATTACHMENTS LIST

- A.** Draft Risk-Benefit Analysis
- B.** Survey of California Law School Deans: Preliminary Results
- C.** Survey of Licensees: Future of the California Bar Exam
- D.** Survey of Prospective Licensees: Future of the California Bar Exam
- E.** Media Compilation: Relevant Articles and Opinion Pieces
- F.** Memo from the Chair of the Nevada Board of Law Examiners

Exploring Options for the Future California Bar Examination Risk – Benefit Analysis

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Executive Summary

[Pending]

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 risk-benefit 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

¹The Report of the Blue Ribbon Commission on the Future of the Bar Exam may be accessed here: <https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000030806.pdf#page=6>.

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

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 list of 12 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 administration 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 CBE recommended to the Supreme Court a variety of scoring adjustments.⁷

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 administration, and then, on May 2, the Court ordered the return to the NCBE's MBE.⁸ 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

⁷ 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.

⁸ 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 noted that "this Court may conclude that . . . the State Bar should be directed to utilize the MBE for the July 2025 General Bar Examination so that there is not a risk that the process improvements are not effectively implemented before the next administration of the bar examination."

the 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 and including 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 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.
- *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.

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

May 2025: The Board adopted the following guiding principles and priorities to help further decisions about the development and administration of future bar exams¹¹:

- Doing it right is more important than doing it fast or cheap.

¹¹ 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.

- 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 the Board, 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.

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

At the Board's September 2025 meeting, staff presented significant information about lessons learned from the February 2025 experience and process improvements that were implemented or planned in response. Staff also presented results from the test-taker survey conducted following the July 2025 bar exam, which reflected a continuing decline in 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).

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.¹³

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 under discussion, similar to what Nevada was developing, required a determination of whether to include a supervised practice component, an online module, or another approach to test skills not effectively tested on the MCQs and PTs.

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.¹⁴ 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.

¹³ Subsequent discussions with deans of the law schools revealed that at least some of the deans of unaccredited law schools switched their preference to the NextGen UBE after participating in more discussions.

¹⁴ Board members were invited to listen in on these presentations live or by reviewing the recordings and materials. Links to both the recording and the materials were sent to the Board members to facilitate their ability to gather the same information as CBE members.

- 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 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:

- 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).
- 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.

- 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.).
- The response rates from bar associations and disability rights organizations were so low that they were not presented.

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

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

Strategic Context: Staff¹⁷ provided an overview of factors for the CBE and the Board to consider in providing the Supreme Court with their recommendation for 2028. The discussion was structured 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)¹⁸;
- 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 initial thinking of Board and CBE members reflected in surveys conducted in December 2025 and the results of surveys of stakeholder groups in January 2026.¹⁹ In their survey, the CBE and Board members were asked to identify what, at the time, they each viewed as the top five most important guiding principles. Drawing from the guiding principles, the survey also identified factors for consideration in determining the future bar exam. Although there was significant overlap with the guiding

¹⁷ Staff have contracted with two consultants, Dr. Danette McKinely and Dr. Louise Bahry to assist with the development of this risk-benefit analysis. References to staff throughout this report may include the consultants.

¹⁸ 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.

¹⁹ In introducing the purpose of the survey, Board and CBE members were told: "As conversations with the Board and CBE continue, Laura and I, with the concurrence of the Admissions Liaisons, thought it might be useful to have trustees and CBE members take the survey as well [as the law school deans, who were surveyed first] – to help hone in on what you are thinking are the most important considerations for setting a direction for the bar exam. We understand (and frankly would expect) that as we continue to study and discuss these incredibly important and multi-faceted issues, your views may evolve, but the results of this survey may help focus your discussions and crystallize your thinking."

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

The guiding principles most commonly included in respondent's top five 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, members' preliminary thinking prioritized alignment with California practice and cost over national portability, with the five factors most commonly included in respondent's top five being:

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

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

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

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.²³ The additional time would also allow further analysis of whether to add a California component to the NextGen UBE, or whether the State Bar possessed the capacity to develop a California-specific exam to effective test minimum competence and protect the public.

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

LEGAL AND REGULATORY BASIS

Rule 9.6(b) provides a roadmap for the Board and the CBE in evaluating future exam options. Specifically, Rule 9.6(b) requires that any changes to the bar 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

²³ Ten jurisdictions will administer the NextGen UBE in July 2026, an additional 13 in February 2027, and then three more 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.

6. Whether the proposed changes have previously demonstrated their efficacy under testing conditions similar to those of the bar examination.²⁵

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

EVALUATION OF RISKS AND BENEFITS

OUTLINING THE OPTIONS

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

This option involves using Kaplan-developed MCQs, essays, and PTs, along with other essays and PTs currently in the item bank, for administration beginning February or July 2028. Under this approach, the State Bar would continue administering an exam with MCQs, essays, and PTs, and it would be responsible for developing its own items. Based on the discussion by the Board, this option is not intended to serve as a bridge to a *specific* future option but rather would allow more time to determine whether the technology used for the NextGen UBE performs well when deployed in other jurisdictions, including larger jurisdictions, 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 FOR EXAMINEES AND THE STATE BAR (RULE 9.6(b)(1))

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

²⁵ https://courts.ca.gov/cms/rules/index/nine/rule9_6

align with the Court, Board, and CBE adopted guiding principles and priorities. Because Option 1, “Use of Kaplan” does not make a decision about the future bar exam, but rather defers the decision, analyses of risks and benefits related to this option are only for the exam that would be in place until a future decision is made / implemented (i.e. a California exam with Kaplan developed MCQs and essays and performance tests either developed by Kaplan or otherwise already in the item bank). Staff does not believe it is realistic to assume a remote administration would be possible in the next few years. Similarly, staff does not believe that item banks will be sufficiently robust in the next several years to allow for the use of small test centers. The analyses below, therefore, do not discuss risks and benefits of remote administration or small test center administration.

Fairness, Equity, and Affordability: This criterion evaluates whether the exam option minimizes disparate 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: State Bar retains full control of exam design and 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 does not adequately assess whether items are biased, creating an exam that results in disparate impact and reputational harm to the State Bar.</p>	<p>Risk to the State Bar: The State Bar relies entirely on NCBE’s fairness reviews.</p> <p>The State Bar cannot directly intervene to adjust the exam for California-specific equity goals.</p>

<p>Benefit to Examinees: State Bar previously conducted a differential item functioning (DIF) analysis and identified no significant issues with the essays and performance tests. Questions are drafted / reviewed with DIF guidelines to eliminate risk of bias.</p>	<p>Benefit to Examinees: Examinees are tested on a nationally validated instrument used by at least 48 other jurisdictions and for which significant effort was deployed to eliminate bias.</p> <p>The platform includes accessibility features that address common accommodations including large font, speech-to-text capability, screen-reading capability, audio version of the exam, and high and low contrast visibility.</p>
<p>Risk to Examinees: Depending on requirements for exam administration, computer-based administration can create an inequitable testing environment for those with older hardware.</p> <p>Reliance on California’s ability to procure and negotiate fees with exam administration vendors to keep the costs passed down to examinees affordable.</p>	<p>Risk to Examinees: State Bar exam fees may increase due to inability to negotiate license and technology fees with NCBE and potential costs of early termination penalty in Kaplan Agreement.</p> <p>Computer-based administration without a handwriting option creates a potential financial barrier for those without compliant devices on top of the risk of inequitable testing environment for those with older hardware.</p>

Preparation Resources: This defines the extent to which the exam is reliable and predictable. It assesses whether the option allows for the timely publication of content maps and study guides so examinees can prepare effectively and 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 State Bar has already prepared content maps. Revised study guides, with new 25 additional questions and replacement/updates to other questions 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 State Bar to develop effective preparation resources, as questions</p>	<p>Risk to the State Bar: None identified</p>

<p>were raised about the accuracy of the originally published student and faculty guides.</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. Other prep materials available through the NCBE website at a cost.</p> <p>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 in exam developer may affect the quality of the test preparation materials.</p> <p>State Bar developed study aids will provide a limited number of sample questions, less than what has been suggested by law school faculty.</p>	<p>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 decisions about the future exam should be “evidence based”. In considering the future bar exam option, the Board’s priority of “long-term continuity” is directly related to stakeholder confidence.

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: State Bar controls the information that is shared about the exam development and administration processes.</p> <p>Some key stakeholders (particularly bar associations in California) have expressed a clear preference for the use of Kaplan to get more information prior to making a decision.</p> <p>State Bar can engage stakeholders directly and incorporate their feedback into exam-related decisions.</p> <p>State Bar 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 (particularly law school deans from ABA-approved and California-accredited law schools) have greater confidence in the NCBE’s ability to develop exam content and have expressed a clear preference that the State Bar adopt the NextGen UBE.</p> <p>NCBE’s multi-year implementation plan included several opportunities to collect operational and item performance data.</p> <p>NCBE will provide performance data for jurisdictions, including both raw and scaled scores, comparative performance at the question type level and, for the standalone MCQs, by subject; and, beginning 2028, the comparative performance data will extend to the skill areas tested.</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>Stakeholders will be skeptical of the viability of a new exam administration platform.</p> <p>State Bar fails to include stakeholders to the extent anticipated or desired.</p>	<p>Risk to the State Bar: Stakeholders cannot audit national scoring. This requires the State Bar to work with the NCBE for the explanation of any anomalies to stakeholders.</p> <p>Currently limited evidence regarding item performance. Evidence of operational performance limited to synthetic load testing.</p> <p>If there are exam issues, State Bar may have limited ability to respond.</p> <p>State Bar may not be able to opt out of innovations it deems inappropriate (e.g., future use of artificial intelligence for question development).</p>
<p>Benefit to Examinees: Partnering with law schools to test platforms helps build trust.</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>

<p>Risk to Examinees: Examinees may lack confidence in a new, unproven exam developer compared to the NCBE, and State Bar’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>
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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. When eliminating considerations of remote administration, administration of the exam in small test centers, or the flexibility to administer the exam more than two times per year, the differences between Options 1 and 2 are limited. It was observed, however, that most survey respondents did not rank highly the importance of remote administration, administration at small test centers, or administering the exam more than twice per year.²⁷

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: None identified.</p>	<p>Benefit to the State Bar: None identified.</p>
<p>Risk to the State Bar: State Bar fails to adequately protect examinee data privacy.</p>	<p>Risk to the State Bar: State Bar does not have ability to manage examinee data privacy rights.</p>
<p>Benefit to Examinees: Examinees can continue to use paper copies of exam questions.</p>	<p>Benefit to Examinees: NCBE designed a custom platform with ITS paying attention to the user interface. (Survey data is pending from the beta test to rate examinee satisfaction.)</p>

²⁷ Frequency of administration was rated highly by deans of unaccredited law schools and by prospective examinees, but not by other law school deans, current licensees, or the members of the Board or CBE when expressing their preliminary views. Fifty-nine percent of prospective examinees rated a remote administration as extremely or very important, but other stakeholders did not tend to rate this factor similarly. All groups, on the other hand rated small site administration as somewhat unimportant or not important at all.

<p>Risk to Examinees: In an effort to reduce costs and increase efficiency, State Bar could seek to transition to a computer-based exam and fail to leave sufficient time to design or test the platform, resulting in a poor experience for examinees.</p>	<p>Risk to Examinees: Examinees are the frontline testers for new software.</p> <p>Some examinees may have difficulty transitioning to a computer-based exam.</p>
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Frequency and Scheduling (Timing of Administration): This criterion considers the Board’s principle of offering the exam more frequently than twice per year. It evaluates how the scheduling of the exam impacts an examinee's ability to enter the workforce quickly, prioritizing options that reduce the waiting period for licensure. As noted above, staff does not anticipate having a sufficiently robust item bank in the next several years to administer the exam more than two times per year. As a result, the differences between Options 1 and 2 are limited. In the stakeholder surveys, 72 percent of prospective examinees rated this factor as extremely or very important, but few deans from ABA-approved law schools and California-accredited law schools, along with current licensees, rated this as an extremely or very important consideration.

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: Greater flexibility to move towards alternate scheduling (e.g., quarterly).</p>	<p>Benefit to the State Bar: None identified.</p>
<p>Risk to the State Bar: Difficulty retaining graders for what will become nearly year-round grading; cost of grading.</p> <p>State Bar unable to deliver on promise of more frequent administration.</p>	<p>Risk to the State Bar: Administration is currently limited to two times per year (Feb/July), preventing the State Bar from offering more frequent testing to speed up licensure.</p>
<p>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.</p>	<p>Benefit to Examinees: None identified.</p>
<p>Risk to Examinees: State Bar unable to administer more frequently than twice per year; any perceived benefit unrealized.</p>	<p>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.</p>

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.

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: Opportunity to observe the initial administrations of the NextGen UBE to understand technological risks before considering it in the future.</p> <p>The State Bar would have greater control over timing of technology updates and enhancements.</p> <p>Depending on choice of exam vendor, there could be far less reliance on internet connectivity on exam day which eliminates a technological risk.</p>	<p>Benefit to the State Bar: Beta test conducted demonstrates operational success. Three full exam administrations prior to July 2028 to allow identification and remediation of any issues.²⁹</p> <p>Synthetic load testing conducted to simulate user traffic of as many as 90,000 simultaneous downloads (more than required).</p> <p>Four additional servers added with redundancy. Not reliant on AWS servers.</p>
<p>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 State Bar 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.</p> <p>Large jurisdictions such as New York, Florida and Texas will not deploy until July 2028, leaving a question as to the vendor's and platform's capabilities when at full load, despite synthetic load testing.</p>
<p>Benefit to Examinees: The ability to partner with law schools to test platforms helps build trust.</p>	<p>Benefit to Examinees: The NCBE is an established vendor, potentially inspiring more confidence than a new, untested California platform.</p> <p>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>

²⁹ 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 will be based on observed need.

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

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: State Bar is accountable for the management of support and accommodations.</p> <p>State Bar has the necessary flexibility to implement accommodations necessary to provide equal access to the exam.</p>	<p>Benefits to the State Bar: State Bar determines accommodations to be approved and transmits the decision to NCBE.</p> <p>Platform addresses accessibility needs that are more frequently requested than remote administration as a testing accommodation.</p> <p>Independent audit being conducted by Level Access, third-party accessibility organization, to determine compliance with recognized accessibility standards. NCBE goal to meet full accessibility certification prior to the administration this coming July.</p>
<p>Risk to the State Bar: Must identify and manage an exam administration 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 State Bar 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: State Bar 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, and ‘stop the clock breaks’ which are requested at a much greater frequency than remote administration.</p>
<p>Risk to Examinees: Lack of confidence in the State Bar’s ability to select and manage an exam administration vendor based on experience with February 2025.</p>	<p>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 is an accurate measure of minimum competence 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: State Bar controls the definition of minimum competency, the content map, and scoring rules.</p> <p>Ability to test California-specific doctrinal areas.</p>	<p>Benefit to the State Bar: The content and skills to be tested align with the content and skills of entry-level attorneys in California, as determined by California’s practice analysis.</p> <p>The exam places greater emphasis on skills, and the exam content scope clearly distinguishes between areas that require knowledge of legal concepts and principles and those where foundational knowledge is not necessary to demonstrate the tested skills.</p>
<p>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>Initially, no change to the doctrinal areas and skills measured or the need for memorization v. application of skills.</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>
<p>Benefit to Examinees: The exam content is aligned with current MBE content and additional testing of California rules, providing familiarity to examinees.</p>	<p>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.</p>

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.
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Error! Reference source not found., below, summarizes the risks and benefits identified for both options and all components.

[PENDING FINALIZATION OF RISKS AND BENEFITS IN CHARTS ABOVE – to be added after the March 13 joint meeting.]

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

9.6 (b)(1) Direct and Indirect Costs for the State Bar and Examinees

The State Bar is evaluating two paths: continuing the use of Kaplan until further data can be reviewed to inform a decision, (Option 1), or shifting to national alignment by adopting the NCBE's NextGen UBE without a California component (Option 2). As described in the tangible and intangible benefits analysis above, Option 1, "Use of Kaplan" does not make a decision about the future bar exam, but rather defers the decision. As a result, analysis of costs of this option are only for the exam that would be in place until a future decision is made / implemented (i.e. a California exam with Kaplan developed MCQs and essays and performance tests either developed by Kaplan or otherwise already in the item bank). Staff does not believe it is realistic to assume a remote administration would be possible in the next few years. Similarly, staff does not believe that item banks will be sufficiently robust in the next several years to allow for the use of small test centers. The analysis below, therefore, does not take into consideration potential cost savings from such changes in the administration of the exam.

This analysis encompasses the direct and indirect economic impact on the State Bar, which ultimately influence the economic impact on examinees since costs must be borne by the examinees.

The analysis compares the cost of each of the two options with current exam costs as reflected in the adopted 2026 State Bar budget. [**PENDING** – numbers to be updated following the March 2026 meeting with actual February 2026 expenditures.] This analysis does not allow for an estimation of what the bar exam application fee would be for examinees under either option for reasons including the following:

- Cost increases are not estimated. In other words, the anticipated cost of exam sites for the 2026 are used for future years and are not increased to reflect inflation or changes in the Consumer Price Index or average year-over-year increases experienced by the State Bar.
- Personnel costs are not increased to reflect cost-of-living adjustments or merit increases for staff. Similarly other likely increases impacting expenditures on compensation, such as increased health care costs, are not calculated.
- The analysis does not adjust the number of projected examinees for future exams.
- Costs for standard validation (for Use of Kaplan) and standard setting (for NextGen UBE) are not currently included.

All these factors, among others, would be part of a fee setting analysis similar to the analysis that was presented to the Board of Trustees in November 2025.³¹ Such analyses are scheduled for every three years, but can be accelerated if needed.

Other assumptions built into this analysis are as follows:

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

³¹ See item 6.2, Approval of Applicant and Other Fees for Admissions Program, [Board of Trustees Meeting, November 20-21, 2025](#).

Cost Category	Sub-Category	Occurrence	Option 1: Use of Kaplan	Option 2: NextGen UBE	Current	Comments
Exam Development & Validation	Item Development	One-Time	\$2,850,000	\$712,000	\$2,850,000	<p>Current: Assumes continued payment on Kaplan contract. Does not reflect sunk costs of \$3,750,000 paid for years 1 and 2 and \$1,650,000 year 3 costs.</p> <p>Option 1: Year 4 and 5 on Kaplan contract (payments due Aug. 2027 – March 2029). Does not include year 3 costs of 1,650,000 (payments due Aug. 2026 – Mar. 2027).</p> <p>Option 2: Early termination penalty (payment due Feb 2027) Does not include year 3 costs of 1,650,000 (payments due Aug. 2026 – Mar. 2027).</p>
	Item Validation	Annual	\$931,000	0	\$931,000	<p>Current: Includes content validation panelists and SMEs (\$469,000) plus EDG team, essay and PT pre-testing, copyediting of MCQs, essays and PT.</p>

Cost Category	Sub-Category	Occurrence	Option 1: Use of Kaplan	Option 2: NextGen UBE	Current	Comments
						<p>Option 1: Ongoing annual costs could decrease somewhat after push to re-validate all questions in question bank.</p> <p>Option 2: EDG team costs related to grading moved to grading line. Amount of EDG team expenses related to grading estimated at 50%.</p>
	Exam Development Software	One-Time	Unknown	\$0	\$0	<p>Option 1: As the number of items increases, investment in an item banking solution would be required.</p>
	Licensing of Exam	Annual	\$0	\$2,175,000	\$938,000	<p>Current: For MBE at \$72 per examinee, excluding those who take the Attorney's Exam.</p> <p>Option 2: Assumes 15,000 examinees (for consistent comparison with Exam administration software expenses, below) at \$145 per examinee.</p>

Cost Category	Sub-Category	Occurrence	Option 1: Use of Kaplan	Option 2: NextGen UBE	Current	Comments
Exam Administration	Test sites (includes venue, tables, chairs, electrical, A/V, computer rental, internet, and staff travel to the exam)	Annual	\$2,761,000	\$3,041,000	\$2,761,000	<p>Current: Includes room rental, tables & chairs, A/V, computer rental, and electrical.</p> <p>Option 2: Assumes an additional \$280,000 for internet. (This is a rough, likely very high estimate and will be refined before final document). This option could have a lower cost for room rental with a significantly smaller workroom footprint needed.</p>
	Exam Administration Software (per licensee cost and onsite support)	Annual	\$1,165,000	\$0	\$1,165,000	<p>Current: Reflects 2026 contract with ExamSoft for \$1,165,000 based on 15,000 examinees and \$40,000 for onsite support.</p> <p>Option 1: Assumes consistency with current costs and number of examinees.</p> <p>Option 2: No additional State Bar cost beyond exam licensing fee set out</p>

Cost Category	Sub-Category	Occurrence	Option 1: Use of Kaplan	Option 2: NextGen UBE	Current	Comments
						in exam development above. See below for fee to examinees.
	Proctors and Off Duty Officers	Annual	\$2,618,000	\$1,600,000	\$2,618,000	Option 2: As described in narrative below, assumes a reduction in change in the ratio of proctors to examinees from 1:30 to 1:50 and a conservative reduction in the number of work room proctors.
	Delivery and Printing	Annual	\$190,000	\$90,000	\$190,000	Option 2: Assumes elimination of 75% of printing costs and 50% of delivery costs.
	Grading	Annual	\$545,000	\$708,500	\$545,500	Option 2: Further analysis of grading costs pending. Current assumption is cost is unchanged. Includes 50% of EDG team costs previously under Item Validation.
Staffing & Personnel Needs	Staff Compensation	Annual	\$9,238,767	\$8,371,986	\$8,938,986	Current: Includes staff compensation and indirect costs attributed to bar exam in November 2025 fee analysis.

Cost Category	Sub-Category	Occurrence	Option 1: Use of Kaplan	Option 2: NextGen UBE	Current	Comments
						<p>Option 1: Assumes 1 additional staff (Director of Exam Development) at the midpoint of salary range plus 30% for benefits.</p> <p>Option 2: Assumes no additional exam development staff, and 3 fewer exam administration staff (at \$189,000 per staff person based on the average fully loaded staff cost). Likely ability to reduce exam development staff not accounted for.</p>
	Psychometric Support	Annual	\$138,000	\$35,000	\$138,000	<p>Current: Includes support for the bar exam and 75% of contract allotment for ad hoc services.</p> <p>Option 2: NCBE will provide the psychometric services relating to scoring and grading; the remaining is an estimate for ad hoc analyses related to the bar exam.</p>

Cost Category	Sub-Category	Occurrence	Option 1: Use of Kaplan	Option 2: NextGen UBE	Current	Comments
Total (Annual)			\$17,586,767	\$16,021,486	\$18,224,986	
Total (One Time)			\$2.85 mil + Unk	712,000		
Examinee Financial Burden	Technology	Per Exam		\$149 per examinee		Technology fee payable directly to NCBE.
	Travel & Access					No difference between Option 1 and Option 2.

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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 1 for a summary.

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

Rule 9.6(b)(3) requires the State Bar to determine whether any new technological requirements or new fees to implement the proposed changes would place an undue financial burden on examinees. This factor assesses the complexity and scale of the digital ecosystem required for the State Bar. It considers whether the Bar must procure, build, or integrate new software platforms and hardware infrastructure to support the option. Innovation requires infrastructure. This criterion assesses the trade-off between using an already developed, but 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.

As the exam is currently administered, examinees use their laptops only to enter their answers in a basic word processing program. Option 1, Use of Kaplan, may involve no changes to the technological burden and related fees on examinees if the State Bar makes no changes to the administration of the exam. However, decisions to improve the efficiency of the exam administration by loading questions into the system in lieu of the current practice of providing hardcopies of the questions could require a significant initial investment to develop a custom platform or modify a platform to accommodate the length of questions on the bar exam and desire of examinees to have side-by-side views of the question and response fields. It could also

impact the per examinee cost of the software licenses currently assessed to the State Bar. Any increases to the costs of the State Bar will result in increased costs to examinees.

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

Use of a new platform could, as discussed above, impact examinees with older computers that are unable to meet the minimum system requirements of a new platform. In short, the risks of technological requirements or new fees for Option 1 depends on decisions not yet made. However, the fee to sit for the bar exam in California is developed by exploring the universe of costs involved in the administering the exam, from exam development to personnel costs to exam sites. The costs of developing a new platform are simply one part of the equation. Table 2, above, identifies the total costs for each of the two options and how that compares to the current cost of administration of the bar exam. To the extent the costs are higher than current costs, it should be anticipated that the examinee fee would need to increase. To the extent the costs are lower than current costs, examinee fees may be able to be reduced.

Option 1: Use of Kaplan		Option 2: Adopt NextGen UBE	
Development	Administration	Development	Administration
<p>Risk: Initially, existing technology infrastructure will suffice. If a decision is made for ongoing development, technology infrastructure improvements will be needed to support question banking and item development.</p>	<p>Risk: Administration vendor must successfully interface with the question banking system; high complexity in vendor integration.</p> <p>Risk: CBE principle of avoiding long-term vendor contracts requires regular procurement resulting in unstable costs and vendor requirements.</p> <p>Risk: If the State Bar chooses to improve efficiency by procuring a vendor able to design a platform to deliver</p>	<p>Benefit: No investment required; NCBE manages the platform ecosystem</p>	<p>Risk: Examinee hardware requirements are set externally.</p>

	the questions in the software, the State Bar will need to develop the expertise to effectively manage the vendor in the design of the user interface. Such a new platform design is likely to result in increased expenses and require a longer-term vendor contract.		
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ESTIMATED NEED FOR STAFF TO IMPLEMENT THE SELECTED OPTION (9.6(b)(4))

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

Option 1: Use of Kaplan		Option 2: Adopt NextGen UBE	
Development	Administration	Development	Administration
<p>Risk: Requires Exam Development Director (planned hiring) to finalize exam development framework and ensure consistent, accurate application of the framework.</p>	<p>Risk: Requires dedicated staff to manage paper-based administration, platform development, and vendor oversight.</p>	<p>Benefit: Fully NCBE managed. Can re-examine Admissions structure and redeploy staff.</p>	<p>Benefit: Reduction in staff with elimination of preparation of significant paper materials. Benefit: Can redeploy staff not needed full time on exam administration Risk: None identified.</p>

Option 1: Use of Kaplan

The continued use of Kaplan for exam development will require completion of the recruitment for an Exam Development Director to implement lessons learned from the February 2025 exam. Sufficient dedicated staff, with appropriate expertise, will be required to continue managing the contract with Kaplan, publish corrected study guides and additional questions for study, ensure

question development sufficient to meet the content maps, and engage in effective content validation processes, including subject matter expert review. Since this option is not directing the creation of a new California exam, but rather continuing in a holding pattern while further data is developed, we do not anticipate the need for other new exam development staff other than the Exam Development Director. Should a decision be made to begin development of a California-specific exam, significant new development resources, both staff and contractors, would be required.

Option 2: Adopt NextGen UBE

Adoption of NextGen UBE, a computer-based exam, will not only eliminate the need for additional exam development resources, but will reduce the need for exam administration staff. Current processes are *heavily* paper-based. In addition to the printing of questions for each examinee, and shipping those to exam sites, there are multiple forms printed, shipped, and completed to account for the distribution and collection of paper-based materials. The vast majority of paper and tools currently shipped to stock the work rooms at each test site and to support the proctors will become unnecessary. Before each exam, staff inventory boxes and boxes of tools and materials to ensure the correct amount is shipped to each test site. Once at the test site, staff and work room proctors review the materials to ensure the inventory list matches what was shipped. The materials and tools are distributed to staff and proctors, collected at the end of the exam, and then re-inventoried before being re-packed and shipped back to the State Bar. In addition, the use of paper-based materials and handwritten responses results in risks of damage or loss during shipping as well as misplaced written exam answers that require significant staff time to properly account for. The elimination of these tasks will allow the loss of at least three exam administration positions and the redeployment of other staff.

TIMEFRAME FOR IMPLEMENTATION (9.6(b)(5))

Rule 9.6(b)(5) requires this analysis to include the estimated timeframe required to competently implement the proposal. To respond to this requirement, we considered two factors: readiness and time to implementation. 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).

Option 1: Use of Kaplan		Option 2: Adopt NextGen UBE	
Development	Administration	Development	Administration
<p>Benefit: While initial timeline is constrained by the MBE being eliminated in July 2028, long-term timeline is controlled internally, allowing for phased rollout of future changes.</p> <p>Benefit: Kaplan has continued to develop and deliver MCQs, essays, and PTs as required by the contract.</p> <p>Benefit: Final selection of content validation panelists and subject matter experts is imminent. Revalidation of all MCQs in the question bank and the new essays and PTs can begin by late spring / early summer.</p>	<p>Benefit: Greater flexibility in administration scheduling; possibility to implement as early as February 2028.</p>	<p>Benefit: NCBE managed. Exam is "off-the-shelf"; development timeline (doctrinal areas, question format, skills measured) is managed entirely by NCBE.</p>	<p>Benefit: Rapid deployment possible.</p> <p>Benefit: Requires fewer proctors than historically used, ensuring that the State Bar will be able to secure sufficient numbers of proctors timely to implement.</p>
<p>Risk: Content validation panels and SMEs will identify problems with items, requiring Kaplan to revise the items and delaying the ability to publish study guides and impacting the ability to have sufficient numbers of items, aligned with the content map, for administration in 2028.</p>	<p>Risk: Must identify and contract a new platform vendor for test administration; dependent on successful RFP process.</p>		<p>Risk: Synthetic load testing did not adequately assess real world capacity issues and platform unable to support the increase in examinees scheduled for July 2028.</p>

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.

Option 1: Use of Kaplan		Option 2: Adopt NextGen UBE	
Development	Administration	Development	Administration
<p>Benefit: State Bar vendors have already implemented requirements needed for test administration (e.g., content maps created, draft questions delivered by Kaplan, content validation panelists and subject matter expert recruitment ongoing).</p>	<p>Benefit: Staff familiarity with administering the exam similar to previous exams; use existing administration materials.</p>	<p>Benefit: Content is developed based on national practice analysis.</p> <p>Benefit: Study materials available for examinee use and bar preparation companies set to prepare examinees on the requirements of NextGen UBE.</p>	<p>Benefit: Proven technology and standard protocols reduce start-up friction.</p> <p>Benefit: Staff can learn from other jurisdictions information needed to administer the exam successfully.</p>
<p>Risk: Committed to vendor (Kaplan) through current contract. Enhanced workflows for item validation and review require operational testing. Documentation of standard operating procedures is necessary to ensure long-term development program meets best practices.</p> <p>Risk: Content validation panels and SMEs will identify problems with items, requiring Kaplan to revise the items and</p>	<p>Risk: Administration vendor is not yet selected or fully integrated; protocols for new delivery modes would need development.</p>		<p>Risk: Staff unfamiliar with the back end of the platform to manage examinees pre- and during-exam.</p> <p>Risk: Long-term State Bar proctors will need significant training to learn the new ways of proctoring the exam.</p>

Option 1: Use of Kaplan		Option 2: Adopt NextGen UBE	
Development	Administration	Development	Administration
delaying the ability to publish study guides and impacting the ability to have sufficient numbers of items, aligned with the content map, for administration in 2028.			

Use of Kaplan, with an in-person administration at large test sites could begin February 2028 – the earliest date possible after providing the required notice. To minimize the risk of problems with the content requiring significant iteration with Kaplan, a decision could be made to delay implementation until July 2028. Adoption of the NextGen UBE will be able to begin July 2028, which is the earliest date possible after providing the statutorily required two-year notice. The option to continue with the use of Kaplan is not a long-term solution, but rather a way to give the State Bar time 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 commencing 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], 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.³³ [PENDING –insert information from survey of examinees]

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.

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. Adopting NextGen results in a more efficient exam administration, with the significant reduction in the printing, packing, and delivery of materials to exam sites, reduction in hours of testing, and reduction in proctor requirements

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

Adoption of NextGen UBE would allow the State Bar to avoid substantial costs related to item development and review. Similarly, the State Bar would no longer contract for exam

³³ 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. For example, NCBE replaced laptops if the examinee dropped the laptop, or did not bring a power supply, and other issues that were completely unrelated to the performance of the platform.

administration software (currently at \$75 per applicant). However, licensing and technology fees for the NextGen UBE are set externally and passed through to examinees. The current costs for the MBE and the exam administration software is nearly identical (\$147 per applicant, assessed to the State Bar), as the fees the State Bar would pay to NCBE for the NextGen UBE for the July 2028 administration (\$145 per applicant). The State Bar would have a significant reduction in proctor costs with the NextGen UBE.

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

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

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

CONCLUSION AND RECOMMENDATION

[PENDING]

APPENDIX A: ASSESSMENT LIFECYCLE FOR THE TWO EXAM OPTIONS

Tables A-1 and A-2, 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. The 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 A-1 and A-2.

ASSESSMENT DEVELOPMENT

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

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

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

Management: The role that State Bar staff plays in ensuring that the assessment development process is executed properly and on time, and that process documentation is created resulting in continuous improvement. This includes Coordination and Management of Work and Timelines (facilitation among staff, consultants, and vendors) and Documentation of Processes (collecting and synthesizing data from across the assessment development 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 A-1. 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	Led by Office of Admissions Director of Examination Development. Workflows and timelines established by State Bar policy, coordination with contractors, contractual obligations with vendors, and psychometric best practices.
		Documentation of Processes	Occurs for each exam administration and includes information on item development and banking, equating, passing rates, and recommendations.
Assessment Administration	Mode of Administration		In-person at large venues determined by the State Bar Essay and PT items printed in hardcopy with responses captured on computer; option to deliver MCQs and capture responses using printed hardcopy materials or computer.
	Administration Time		Twice per year; two days for general applicants and one day for attorney applicants for standard administration. Option to explore change in dates of exam administration.
	Administration Technology	Software and Hardware Requirements for Secure Delivery	Exam vendor selected following a formal Request for Proposals using business requirements and an established assessment rubric. State Bar has ultimate responsibility for vendor selection, platform performance and stability, user interface and experience. 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 A-2. 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	NCBE managed
		Form Assembly	NCBE managed
		Form Equating	NCBE managed
		Standard Setting	Support jurisdictions' standard setting study to recommend a range of passing scores; data used to

			support jurisdictions in determining their passing score on the new scale.
		Technical Documentation	Internal documentation and performance data controlled by NCBE.
	Development Timeline		Formal development began in 2021 with content scope outlines published and pilot testing in 2022, sample items published in 2023, and Field Test and Prototype Exam occurring in 2024 ahead of first administration in July 2026.
	Management	Coordination and Management of Work and Timelines	NCBE managed
		Documentation of Processes	Some information available to the public; detailed internal process documentation not available.
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 for some venues.

		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.

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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

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Appendix C. Analysis of Stakeholder Feedback on the Future California Bar Exam

[**Pending** – insert short description of the 3 main stakeholder decks followed by each deck]

C. 1 Insert deck with results of survey of California Law School Deans

C.2 Insert deck with results of survey of California Licensees

C.3 Insert deck with results of survey of Prospective Examinees

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Appendix D. Preliminary Documents Considered by the Board of Trustees and the Committee of Bar Examiners

[**Pending** - Add description of materials to be included]

Tangible and Intangible Benefits of Three High Level Options for State Bar and Examinees [from October 10, 2025, CBE meeting]

Goals and Objectives Accomplished by Each Option [from October 10, 2025, CBE meeting]

Extent to Which Technological Requirements to implement the Options Impose Undue Financial Burdens on Examinees [from October 10, 2025, CBE meeting]

Pros and Cons of Three Future Bar Exam Options [from August 14, 2025, joint meeting]

Alignment of Three Future Bar Exam Options with Board and Supreme Court Guiding Principles [from August 14, 2025, joint meeting]

Preliminary Cost Impacts of Eight Bar Exam Options [from January 23, 2026, joint meeting]

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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.

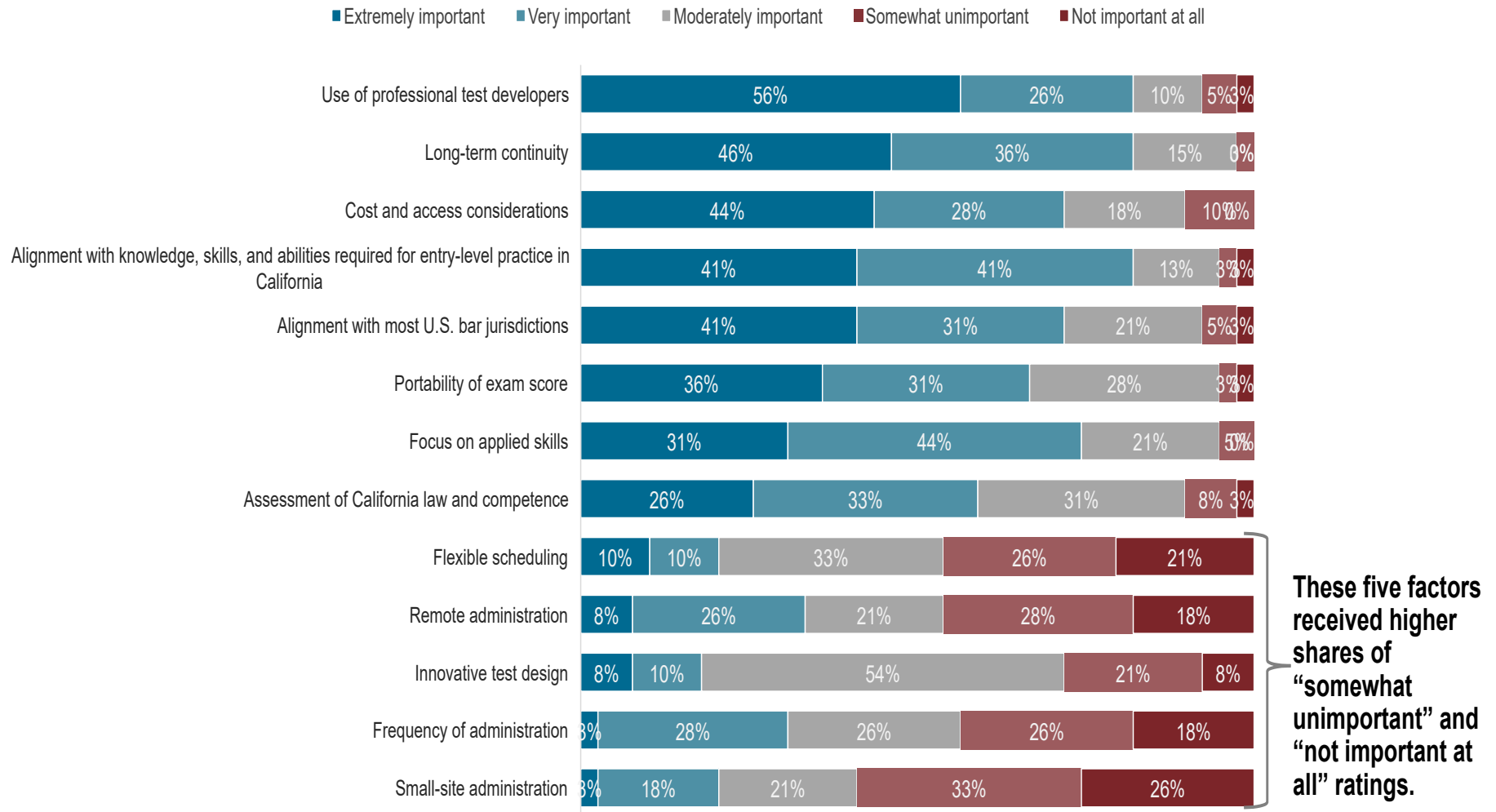
- Across all schools, the average recommended minimum period is **4.1 years**.
- ABA schools recommend the longest period (average = 4.4 years), with nearly half (47%) supporting 5 years.
- CALS have a similar pattern (average = 4.1 years), with roughly equal support for 3–5 years.
- Unaccredited schools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

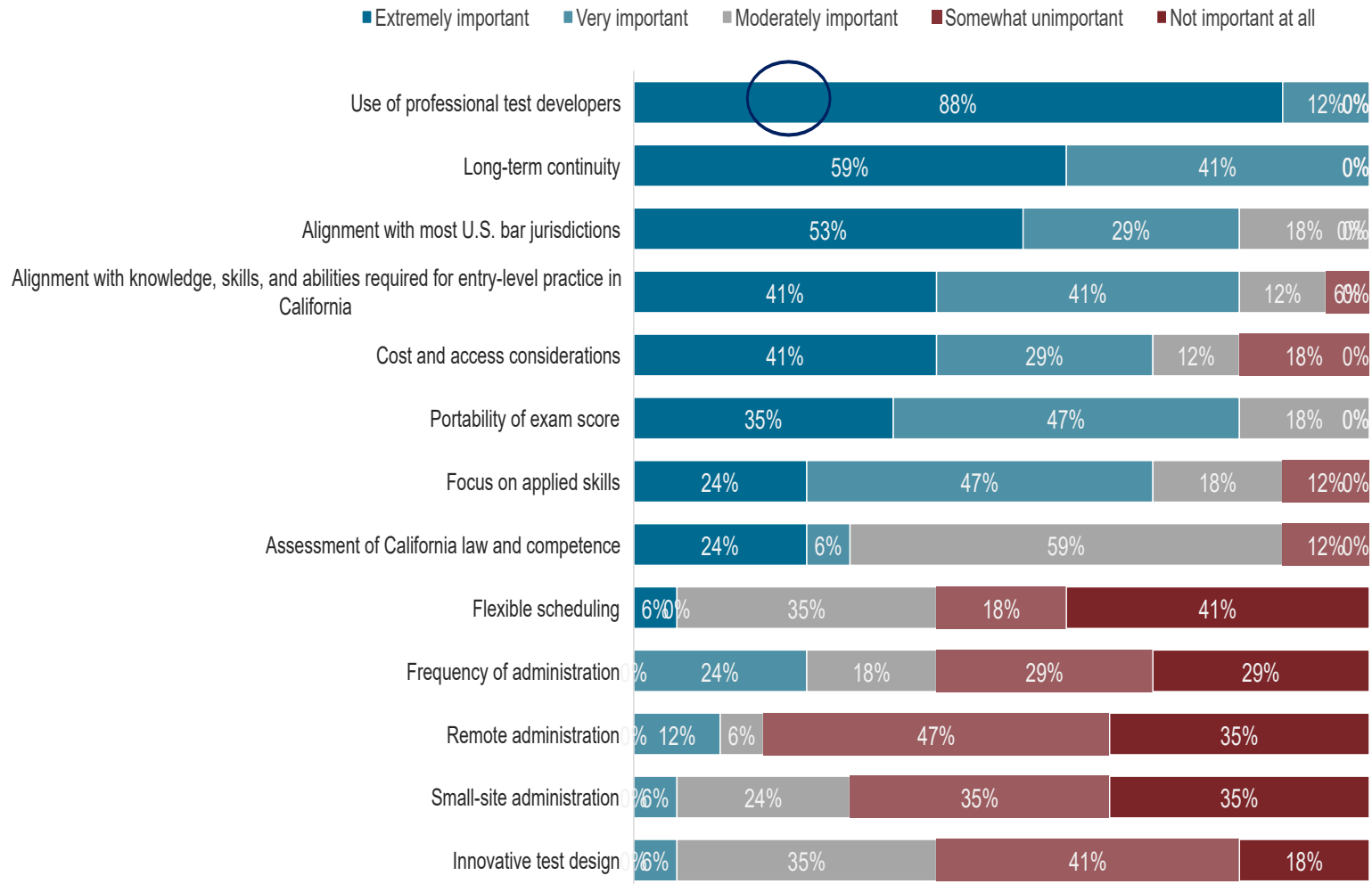
Factor	Description
Alignment with knowledge, skills, and abilities required for entry-level practice in California	The exam's content is aligned with the 2020 California Attorney Practice Analysis (CAPA) conducted by the State Bar.
Use of professional test developers	The exam is developed and validated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



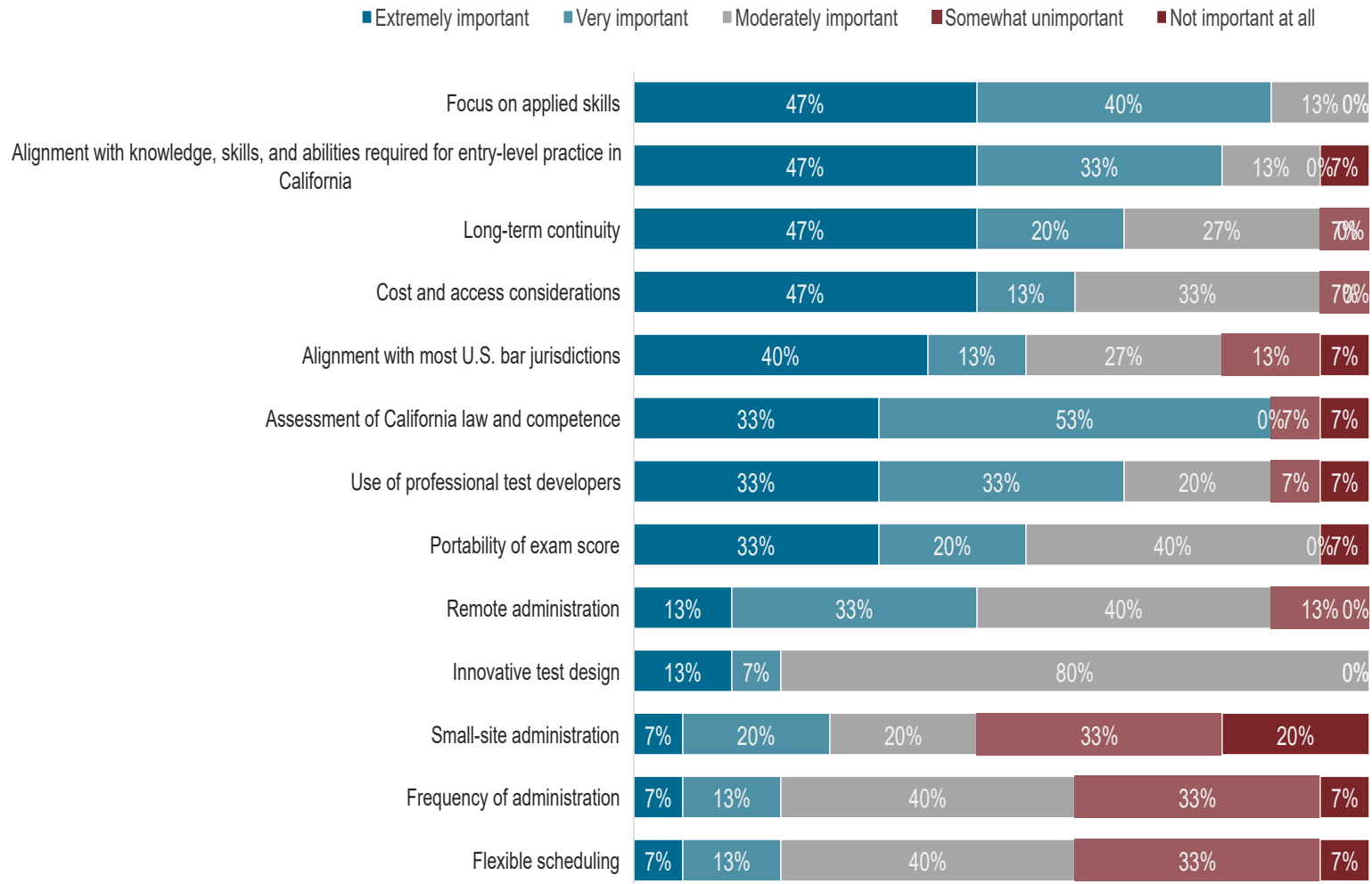
Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

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.



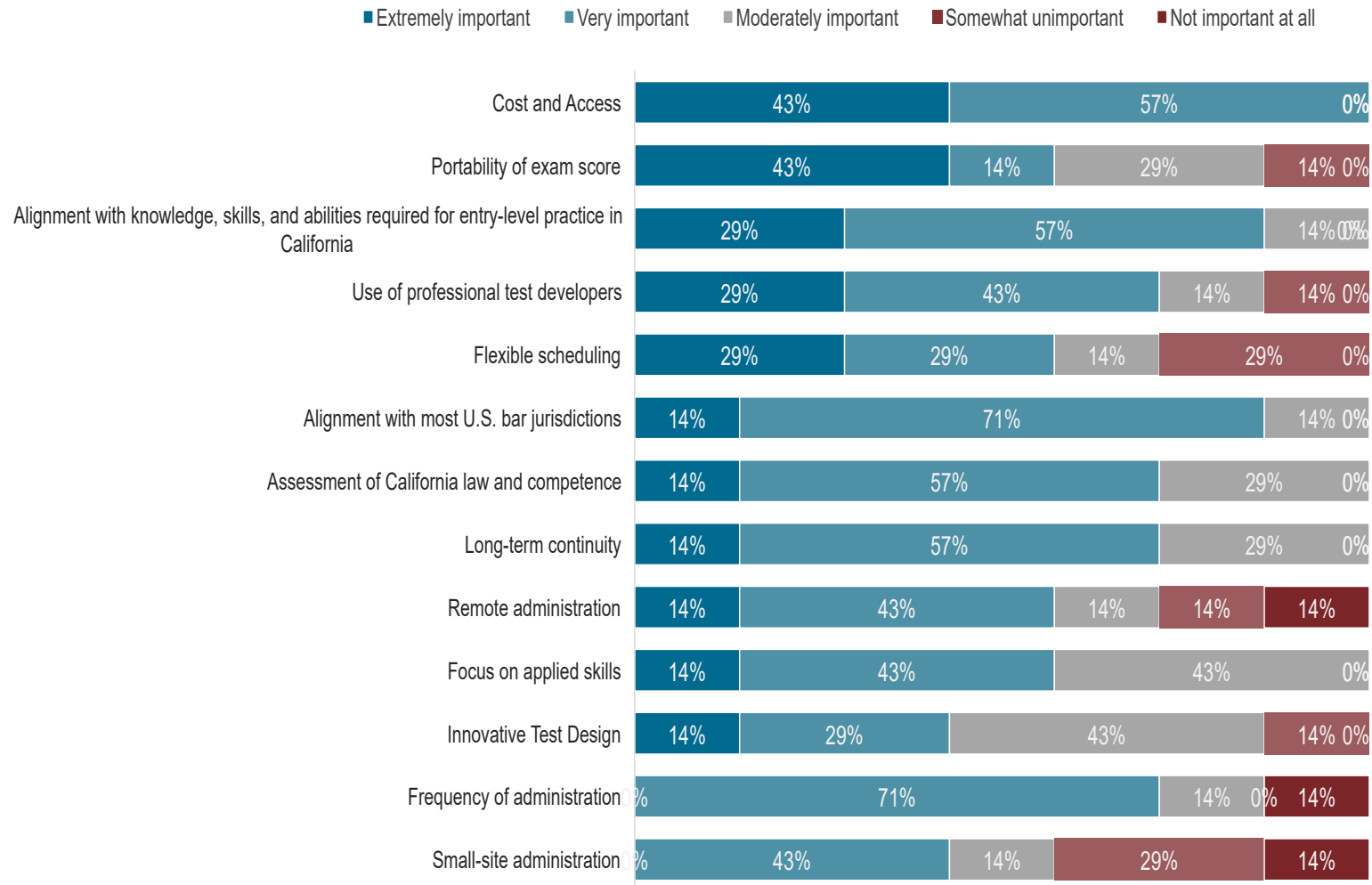
Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

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.



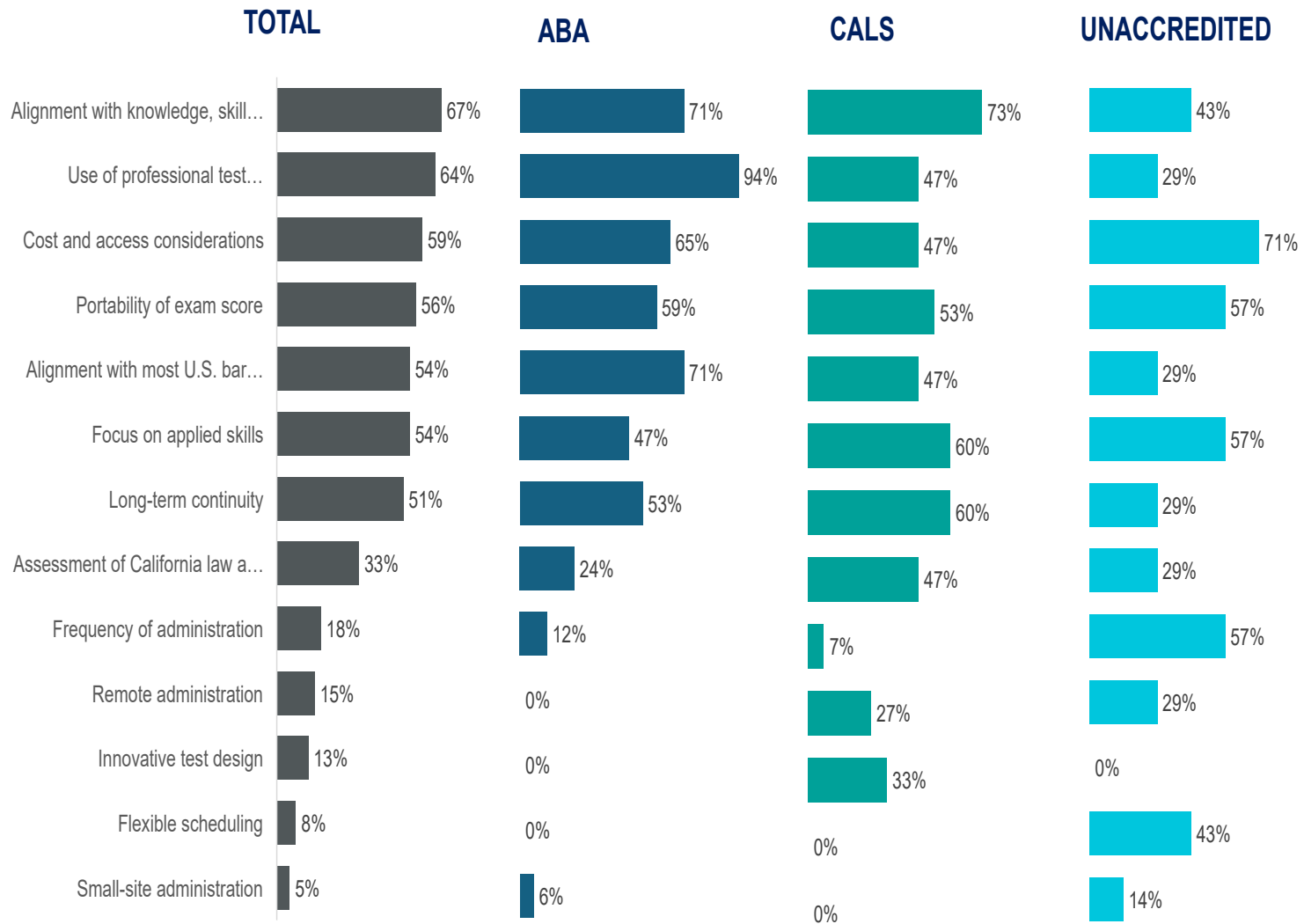
Question: “How important is each of the following factors for the CBE and Board to consider in developing the bar exam of the future?”

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.

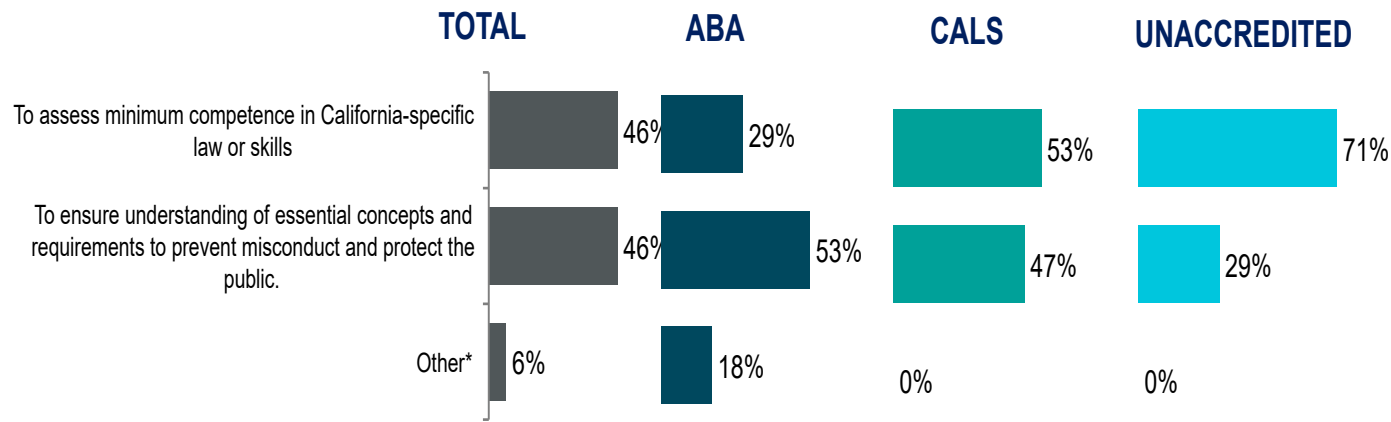


Purpose of California-Specific Component

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:

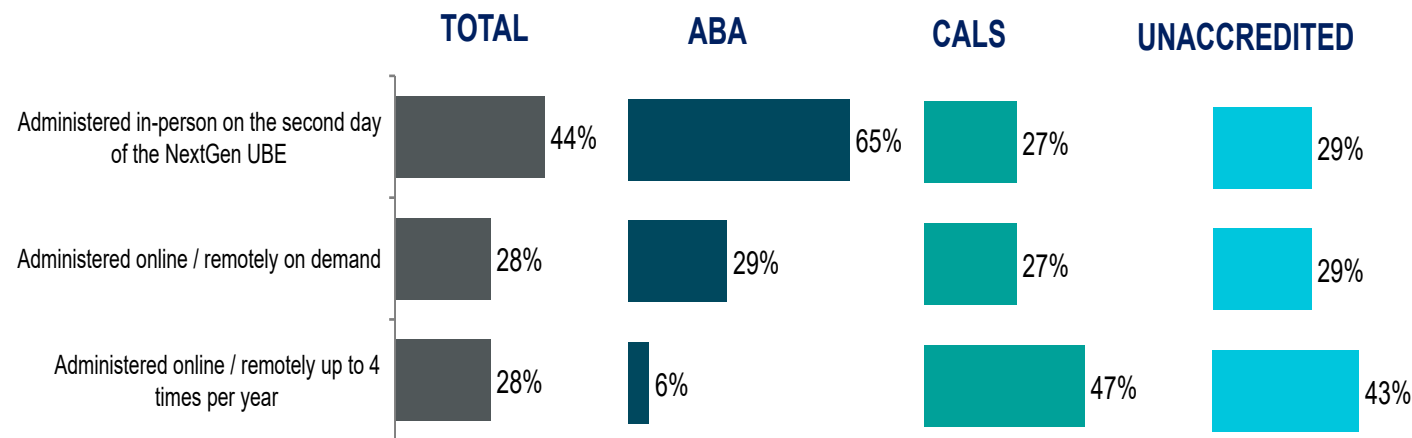
- "If a CA-specific component is relatively straightforward and not high stakes (e.g., more like the MPRE than the UBE), then there's more flexibility in the methods of delivery."
- "The NextGen UBE is designed around foundational lawyering tasks rather than memorizing jurisdiction-specific doctrines.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



The State Bar of California

Content

From January 5 to 16, 2026, a modified version of the survey on the Future of the California Bar Exam— administered to members of the Board of Trustees, Committee of Bar Examiners (CBE), and California law school deans—was administered to 257,357 current licensees. The survey received 12,123 responses (5 percent response rate).*

The analyses that follow summarize findings for the following topics:

- Importance of certain factors related to exam design, delivery, logistics, flexibility, cost, and exam content for purposes of assessing the future California bar exam;
- How to prioritize those factors in determining the future bar exam;
- Ranking of different options for the future bar exam; and
- Purpose and mode of exam administration of a California-specific component.

For two topics, results were disaggregated by respondent demographics and other characteristics including the respondent's path to the exam, number of California bar exam (CBX) attempts, race/ethnicity, gender identity, age, and first-generation college status.

Results for groups with fewer than 30 respondents were excluded from disaggregated analyses to avoid over-interpreting findings based on small sample sizes. See supplementary slides for respondent counts for each group. Due to rounding, percentage distributions presented throughout this slide deck may not add up precisely to 100 percent.

*The denominator used for response rate calculation reflects the number of surveys delivered via email (excludes "bounce backs"). As is typical in surveys, response counts vary by question because respondents were able to skip any item.



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 Unimportant
- Not at all Important

Survey respondents were presented with the following list of 13 factors and descriptions. To facilitate reporting, factors are organized into three categories (continued on next page).

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

Factor	Description
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.

Factor	Description
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 in Exam Development (continued)

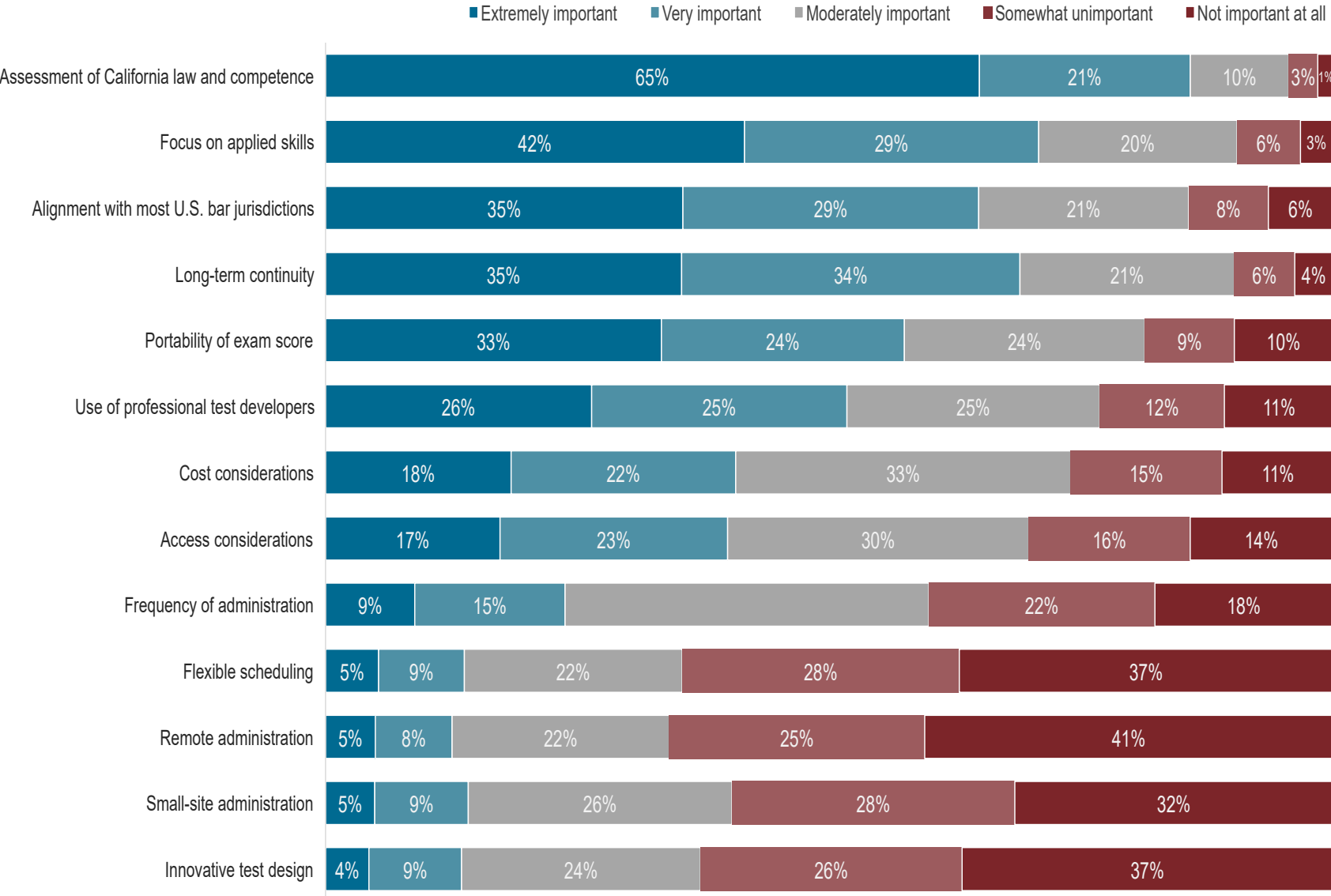
How the exam should be designed and delivered. These factors address, delivery, logistics, flexibility, and test format.

Factor	Description
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.



Results: Importance of Factors to Consider in Developing the Future Bar Exam

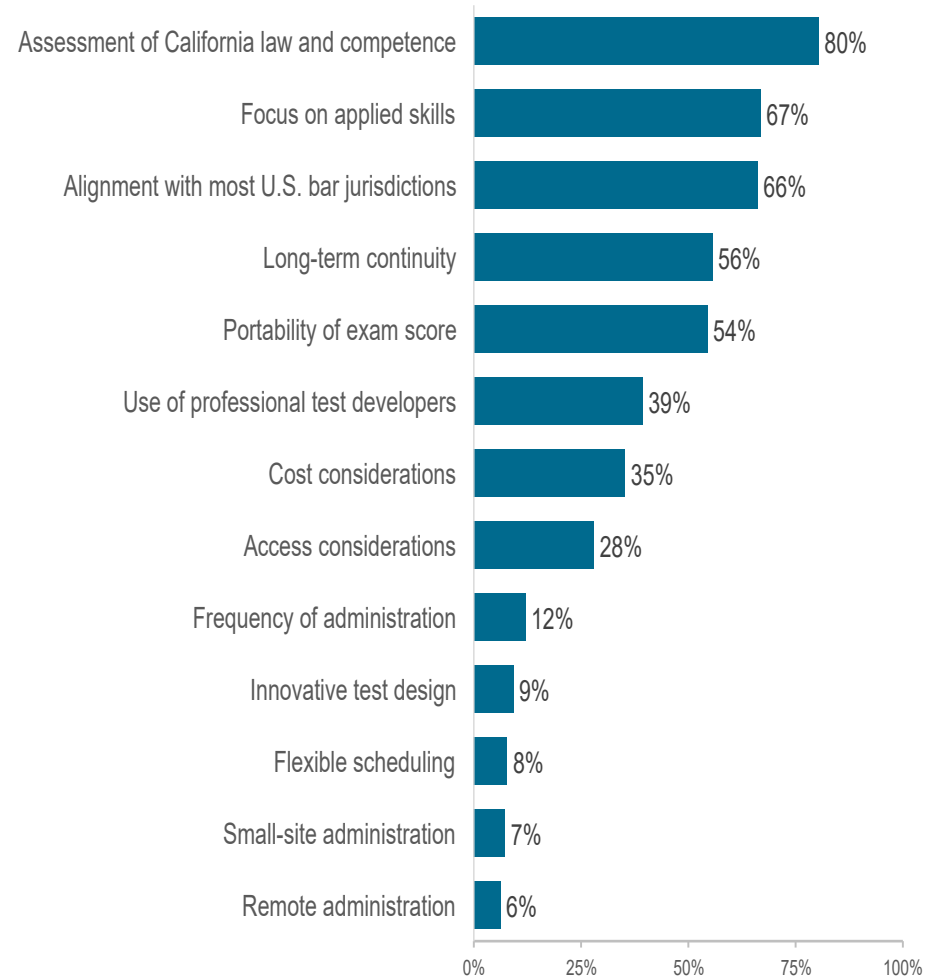
Factors are presented in descending order based on the percent of respondents who rated each factor as “extremely important.”



Top Five 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?

Results: Percent That Ranked Each Factor Among Five Most Important to Prioritize in Developing the Future Bar Exam



Results: Top Five Factors by Path to Licensure and Number of CBX Attempts

Results were grouped into three categories based on the share of respondents who ranked each factor among their top five priorities for exam development (see visual to the right for criteria). This approach highlights areas of convergence across groups. Values shown represent the percentage of respondents within each group who ranked each factor in their top five.

Criteria
≥ 56% selected factor among top five
31–55% selected factor among top five
≤ 30% selected factor among top five

Factor	Path to Licensure*					Number of CBX Attempts		
	ABA- Approved Graduate	CALS Graduate	CA Unaccredited Graduate	U.S. Attorney	Foreign Attorney	1 Attempt	2–3 Attempts	4+ Attempts
What the exam should measure								
Assessment of California law and competence	81%	84%	79%	76%	73%	81%	82%	78%
Focus on applied skills	67%	69%	64%	66%	69%	67%	68%	63%
Systems and policy considerations								
Alignment with most U.S. bar jurisdictions	66%	67%	71%	73%	66%	68%	63%	59%
Long-term continuity	56%	55%	48%	55%	52%	57%	52%	45%
Portability of exam score	55%	51%	60%	60%	51%	55%	52%	49%
How the exam should be designed and delivered								
Access considerations	29%	25%	23%	30%	26%	29%	27%	28%
Cost considerations	35%	34%	35%	39%	37%	34%	38%	41%
Flexible scheduling	8%	10%	11%	8%	5%	7%	8%	13%
Frequency of administration	12%	12%	19%	8%	11%	11%	15%	22%
Innovative test design	9%	11%	9%	10%	18%	9%	11%	13%
Remote administration	6%	7%	11%	6%	18%	5%	8%	13%
Small-site administration	7%	8%	12%	6%	9%	7%	8%	10%
Use of professional test developers	40%	39%	38%	40%	41%	40%	38%	41%

*Based on the survey item, "Which of the following best describes what qualified you to sit for the bar exam in California?" See supplementary slides for more details.

Results: Top Five Factors by Race/Ethnicity

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

Criteria
≥ 56% selected factor among top five
31–55% selected factor among top five
≤ 30% selected factor among top five

Factor	American Indian/ Alaska Native	Asian	Black/ African American	Latino	Middle Eastern/ North African	Multiracial	White
What the exam should measure							
Assessment of California law and competence	86%	81%	77%	80%	78%	79%	80%
Focus on applied skills	58%	71%	59%	70%	72%	66%	69%
Systems and policy considerations							
Alignment with most U.S. bar jurisdictions	71%	63%	48%	59%	63%	65%	68%
Long-term continuity	58%	60%	41%	49%	50%	53%	55%
Portability of exam score	56%	52%	57%	48%	50%	56%	56%
How the exam should be designed and delivered							
Access considerations	24%	27%	43%	29%	25%	30%	30%
Cost considerations	49%	40%	56%	43%	33%	41%	35%
Flexible scheduling	7%	9%	10%	10%	8%	9%	8%
Frequency of administration	8%	9%	16%	17%	17%	11%	12%
Innovative test design	8%	10%	13%	13%	14%	10%	10%
Remote administration	5%	8%	13%	9%	6%	7%	6%
Small-site administration	3%	6%	11%	8%	5%	6%	8%
Use of professional test developers	41%	41%	36%	41%	44%	38%	39%



Results: Top Five Factors by Gender Identity, Age, and First-Generation College Status

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

Criteria
≥ 56% selected factor among top five
31–55% selected factor among top five
≤ 30% selected factor among top five

Factor	Gender Identity			Age			First in Immediate Family to Attend College	
	Men	Nonbinary	Women	Younger than 40	Age 40–49	Age 50 or Older	Yes	No
What the exam should measure								
Assessment of California law and competence	82%	58%	79%	66%	81%	85%	81%	80%
Focus on applied skills	68%	50%	69%	62%	70%	68%	67%	67%
Systems and policy considerations								
Alignment with most U.S. bar jurisdictions	67%	55%	66%	62%	66%	68%	64%	67%
Long-term continuity	59%	36%	51%	49%	59%	56%	54%	56%
Portability of exam score	54%	50%	56%	60%	57%	52%	52%	56%
How the exam should be designed and delivered								
Access considerations	25%	42%	34%	32%	27%	28%	26%	29%
Cost considerations	33%	47%	40%	47%	34%	32%	34%	36%
Flexible scheduling	9%	8%	7%	9%	5%	8%	8%	8%
Frequency of administration	13%	14%	11%	17%	10%	11%	13%	12%
Innovative test design	11%	9%	9%	7%	9%	10%	10%	9%
Remote administration	6%	5%	7%	8%	6%	6%	6%	6%
Small-site administration	8%	6%	7%	6%	5%	9%	8%	7%
Use of professional test developers	41%	33%	38%	20%	20%	18%	26%	29%



Options for the Future Bar Exam

Question: Please rank the 8 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.

See following slide for the 8 options presented to survey respondents.



8 Exam Options Presented to Survey Respondents

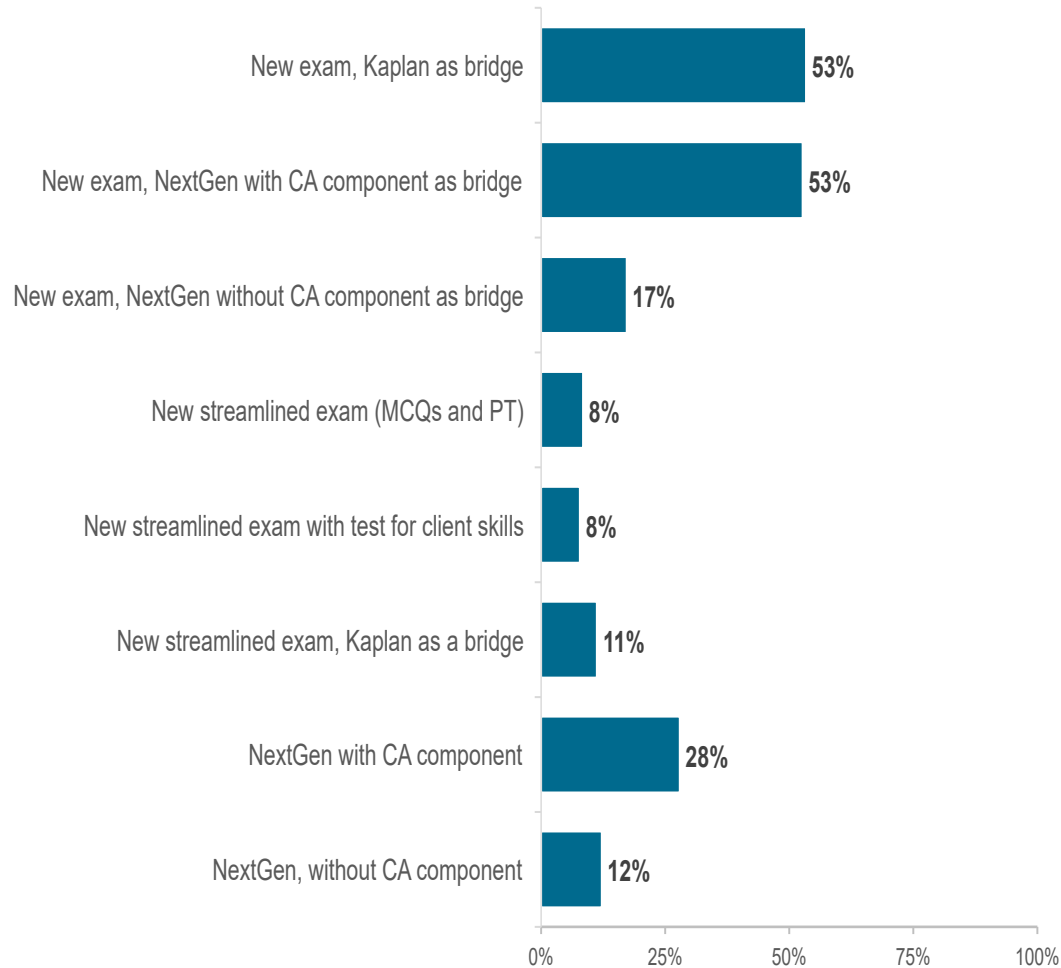
Label Used for Analysis	Language Used in Survey
New exam, Kaplan as bridge	Develop a new California bar exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5+ year development timeline), return to using Kaplan multiple-choice questions (MCQs) and California essays and performance test (PT).
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.
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.
New streamlined exam (MCQs and PT)	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 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).
New streamlined exam, Kaplan as a bridge	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 multiple-choice questions and California essays and PTs.
NextGen with CA component	Adopt the NCBE's NextGen UBE and add a California-specific component.
NextGen, without CA component	Adopt the NCBE's NextGen UBE without adding a California-specific component.



Results: Top- and Bottom-Ranked Options

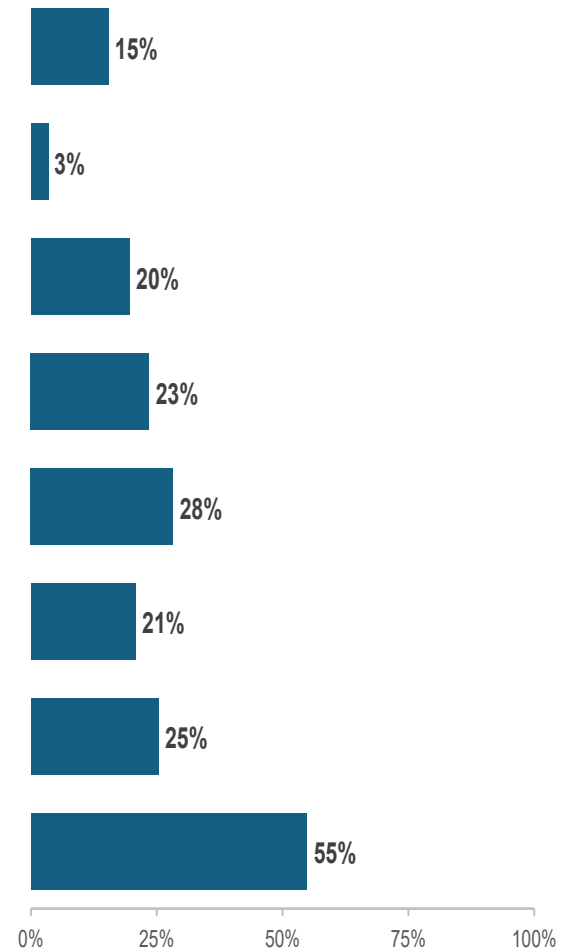
Top-Ranked Options

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



Bottom-Ranked Options

Percent that ranked each option 8 (lowest preference) or 7 (second-lowest preference)



Results: Top-Ranked Options by Path to Licensure and Number of CBX Attempts

Values represent the percent that ranked each option as a 1 (highest preference) or 2 (second-highest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where support for options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Path to Licensure					Number of CBX Attempts		
		ABA-Approved Graduate	CALS Graduate	CA Unaccredited Graduate	U.S. Attorney	Foreign Attorney	1 Attempt	2-3 Attempts	4+ Attempts
New exam, Kaplan as bridge	53%	53%	60%	59%	47%	55%	54%	53%	45%
New exam, NextGen with CA component as bridge	53%	54%	51%	43%	54%	47%	54%	49%	45%
New exam, NextGen without CA component as bridge	17%	17%	20%	23%	14%	20%	17%	19%	20%
New streamlined exam (MCQs and PT)	8%	8%	9%	8%	13%	6%	8%	10%	13%
New streamlined exam with test for client skills	8%	8%	8%	8%	7%	8%	7%	10%	13%
New streamlined exam, Kaplan as a bridge	11%	11%	12%	15%	12%	12%	11%	13%	11%
NextGen with CA component	28%	29%	22%	27%	33%	34%	29%	24%	29%
NextGen, without CA component	12%	13%	9%	12%	15%	14%	13%	9%	15%



Results: Top-Ranked Options by Race/Ethnicity

Values represent the percent that ranked each option as a 1 (highest preference) or 2 (second-highest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where support for options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	American Indian/Alaska Native	Asian	Black/African American	Latino	Middle Eastern/North African	Multiracial	White
New exam, Kaplan as bridge	53%	34%	51%	53%	51%	53%	47%	53%
New exam, NextGen with CA component as bridge	53%	31%	57%	53%	51%	43%	55%	54%
New exam, NextGen without CA component as bridge	17%	10%	20%	15%	19%	19%	14%	17%
New streamlined exam (MCQs and PT)	8%	7%	8%	14%	8%	10%	10%	9%
New streamlined exam with test for client skills	8%	7%	7%	13%	10%	9%	8%	8%
New streamlined exam, Kaplan as a bridge	11%	5%	8%	13%	12%	13%	13%	11%
NextGen with CA component	28%	10%	30%	24%	26%	29%	31%	29%
NextGen, without CA component	12%	5%	13%	11%	11%	13%	15%	12%



Results: Top-Ranked Options by Gender Identity, Age, and First-Generation College Status

Values represent the percent that ranked each option as a 1 (highest preference) or 2 (second-highest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where support for options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Gender Identity			Age			First in Immediate Family to Attend College	
		Men	Nonbinary	Women	Younger than 40	Age 40–49	Age 50 or Older	Yes	No
New exam, Kaplan as bridge	53%	55%	33%	52%	33%	53%	60%	55%	53%
New exam, NextGen with CA component as bridge	53%	53%	35%	55%	45%	54%	56%	51%	54%
New exam, NextGen without CA component as bridge	17%	19%	16%	15%	16%	17%	18%	17%	17%
New streamlined exam (MCQs and PT)	8%	8%	12%	9%	11%	9%	8%	7%	9%
New streamlined exam with test for client skills	8%	7%	11%	10%	8%	7%	8%	7%	8%
New streamlined exam, Kaplan as a bridge	11%	10%	13%	12%	9%	11%	12%	12%	11%
NextGen with CA component	28%	27%	31%	29%	44%	31%	22%	25%	29%
NextGen, without CA component	12%	12%	23%	11%	25%	13%	8%	10%	13%



Results: Bottom-Ranked Options by Path to Licensure and Number of CBX Attempts

Values represent the percentage that ranked each option as an 8 (lowest preference) or 7 (second-lowest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where lower preference to options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Path to Licensure					Number of CBX Attempts		
		ABA- Approved Graduate	CALS Graduate	CA Unaccredited Graduate	U.S. Attorney	Foreign Attorney	1 Attempt	2–3 Attempts	4+ Attempts
New exam, Kaplan as bridge	15%	16%	12%	14%	15%	14%	15%	15%	20%
New exam, NextGen with CA component as bridge	3%	3%	4%	4%	4%	3%	3%	4%	4%
New exam, NextGen without CA component as bridge	20%	20%	19%	22%	23%	25%	19%	20%	23%
New streamlined exam (MCQs and PT)	23%	24%	24%	22%	20%	21%	24%	21%	19%
New streamlined exam with test for client skills	28%	29%	27%	27%	30%	26%	29%	26%	25%
New streamlined exam, Kaplan as a bridge	21%	21%	18%	19%	22%	23%	21%	19%	20%
NextGen with CA component	25%	25%	29%	30%	24%	29%	25%	27%	29%
NextGen, without CA component	55%	55%	57%	57%	56%	55%	55%	56%	52%

Results: Bottom-Ranked Options by Race/Ethnicity

Values represent the percentage that ranked each option as an 8 (lowest preference) or 7 (second-lowest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where lower preference to options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	American Indian/ Alaska Native	Asian	Black/ African American	Latino	Middle Eastern/ North African	Multiracial	White
New exam, Kaplan as bridge	15%	8%	16%	18%	16%	17%	18%	16%
New exam, NextGen with CA component as bridge	3%	2%	4%	3%	4%	6%	4%	3%
New exam, NextGen without CA component as bridge	20%	19%	16%	22%	19%	21%	21%	20%
New streamlined exam (MCQs and PT)	23%	12%	21%	21%	22%	18%	23%	24%
New streamlined exam with test for client skills	28%	17%	28%	26%	26%	25%	29%	27%
New streamlined exam, Kaplan as a bridge	21%	3%	25%	24%	22%	20%	23%	21%
NextGen with CA component	25%	15%	27%	28%	27%	27%	23%	25%
NextGen, without CA component	55%	32%	56%	53%	51%	54%	52%	57%

Note: Values represent the percentage that ranked each option as an 8 (lowest preference) or 7 (second-lowest preference).

Results: Bottom-Ranked Options by Gender Identity, Age, and First-Generation College Status

Values represent the percentage that ranked each option as an 8 (lowest preference) or 7 (second-lowest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where lower preference to options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Gender Identity			Age			First in Immediate Family to Attend College	
		Men	Nonbinary	Women	Younger than 40	Age 40–49	Age 50 or Older	Yes	No
New exam, Kaplan as bridge	15%	15%	24%	16%	29%	15%	11%	13%	16%
New exam, NextGen with CA component as bridge	3%	4%	4%	3%	5%	3%	3%	4%	3%
New exam, NextGen without CA component as bridge	20%	18%	19%	22%	17%	21%	20%	19%	20%
New streamlined exam (MCQs and PT)	23%	23%	17%	24%	20%	22%	25%	21%	24%
New streamlined exam with test for client skills	28%	29%	33%	26%	31%	28%	27%	27%	29%
New streamlined exam, Kaplan as a bridge	21%	21%	24%	21%	33%	21%	17%	18%	22%
NextGen with CA component	25%	27%	17%	24%	17%	26%	28%	26%	25%
NextGen, without CA component	55%	56%	34%	57%	37%	56%	61%	56%	55%



California-Specific Component

Survey respondents were presented with the following lead-in text and survey items.

Lead-in text: If the Supreme Court adopts the NextGen UBE, they could also require a California-specific component. The purpose of this component would shape its content, format, and delivery. For example, if its purpose is to test minimum competence in California-specific law or skills not tested on the NextGen UBE, it might be a fully scored, proctored, and graded assessment. If its purpose is to ensure applicants are exposed to specific areas of California law or have familiarized themselves with key concepts essential to preventing misconduct, it might be an online learning tool, available on demand with short quizzes or longer assessments to ensure learning outcomes are achieved.

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

Response Options	Results
To assess minimum competence in California-specific law or skills.	63%
To ensure applicants are exposed to specific areas of California law or have familiarized themselves with key concepts essential to prevent misconduct.	32%
Other	5%

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

Response Options	Results
Administered in-person on the second day of the NextGen UBE	76%
Administered online/remotely on demand	10%
Administered online/remotely up to 4 times per year	14%



Supplementary Slides



Survey Respondents: Distribution of Path to Licensure and Number of CBX Attempts

Path to Licensure

Question: Which of the following best describes what qualified you to sit for the bar exam in California?

Categories	Number	Percent
Completed California Law Office Study Program	18	0.1%
Graduated from an ABA-approved law school in California	7,139	58.9%
Graduated from an ABA-approved law school outside of California	2,496	20.6%
Graduated from a California accredited law school	1,416	11.7%
Graduated from an unaccredited law school in California	207	1.7%
Completed 4 years of study at a combination of the above but did not graduate	7	0.1%
Was a licensed attorney in another U.S. jurisdiction	516	4.3%
Was a licensed attorney outside the United States and satisfied other requirements	175	1.4%
Skipped	149	1.2%
Total	12,123	100%

Note: "Graduated from an ABA-approved law school in California" and "Graduated from an ABA-approved law school outside of California" were combined for analytical purposes.

Number of CBX Attempts

Question: How many times did you take the California bar exam before passing?

Categories	Number	Percent
1	9,438	77.9%
2-3	2,111	17.4%
4-10	410	3.4%
11 or more	21	0.2%
I was admitted to the Bar through completion of the Pathway Provisional Licensure Program	20	0.2%
Skipped	123	1.0%
Total	12,123	100%

Note: "11 or more" attempts was combined with "4-10" for analytical purposes.



Survey Respondents: Distribution of Respondent Demographics

Race/Ethnicity

Question: With which race and/or ethnicity do you identify?
Select all that apply.

Categories	Number	Percent
American Indian or Alaska Native	55	0.5%
Asian	814	6.7%
Black or African American	264	2.2%
Latino	627	5.2%
Middle Eastern or North African	262	2.2%
Multiracial	706	5.8%
Native Hawaiian or Pacific Islander	6	0.0%
White	6,913	57.0%
Prefer to self-identify as [write-in]	261	2.2%
Prefer not to answer	2,026	16.7%
Skipped	189	1.6%
Total	12,123	100%

Note: Respondents who selected more than one racial/ethnic group other than the "Prefer to self-identify as" category were categorized as multiracial for analytical purposes. Respondents who selected "Prefer to self-identify" were excluded from the analysis due to the wide variation in write-in responses, which did not allow for meaningful grouping.

Gender Identity

Question: Which of the following best describes you personally?
Select all that apply.

Categories	Number	Percent
Man	5,824	48.0%
Nonbinary	56	0.5%
Two-Spirit	15	0.1%
Woman	4,768	39.3%
Prefer to self-identify as [write-in]	132	1.1%
Prefer not to answer	1,125	9.3%
Skipped	203	1.7%
Total	12,123	100%

Note: Respondents who selected "Two-Spirit" or more than one gender identity other than the "Prefer to self-identify as" category were categorized as nonbinary for analytical purposes. Respondents who selected "Prefer to self-identify" were excluded from the analysis due to the wide variation in write-in responses, which did not allow for meaningful grouping.



Survey Respondents: Distribution of Respondent Demographics (continued)

Age

Question: What is your age?

Categories	Number	Percent
29 or younger	456	3.8%
30–39	1,810	14.9%
40–49	2,440	20.1%
50 or older	6,686	55.2%
Prefer not to answer	618	5.1%
Skipped	113	0.9%
Total	12,123	100%

Note: "29 or younger" was combined with "30–39" for analytical purposes.

First-Generation College Status

Question: Were you the first in your immediate family to attend college?

Categories	Number	Percent
Yes	2,907	24.0%
No	8,893	73.4%
I'm not sure	39	0.3%
Prefer not to answer	218	1.8%
Skipped	66	0.5%
Total	12,123	100%



Survey of Prospective Licensees Future of the California Bar Exam



The State Bar of California

Content

From January 5 to 16, 2026, a modified version of the survey on the Future of the California Bar Exam—administered to members of the Board of Trustees, Committee of Bar Examiners (CBE), and California law school deans—was administered to 28,594 current and prospective applicants. The survey received 1,652 responses (6 percent response rate).*

The analyses that follow summarize findings for the following topics:

- Importance of certain factors related to exam design, delivery, logistics, flexibility, cost, and exam content for purposes of assessing the future California bar exam;
- How to prioritize those factors in determining the future bar exam;
- Ranking of different options for the future bar exam; and
- Purpose and mode of exam administration of a California-specific component.

For two topics, results were disaggregated by respondent demographics and characteristics including current applicant status, number of California bar exam (CBX) attempts, race/ethnicity, gender identity, age, and first-generation college status.

Results for groups with fewer than 30 respondents were excluded from disaggregated analyses to avoid over-interpreting findings based on small sample sizes. See supplementary slides for respondent counts for each group. Due to rounding, percentage distributions presented throughout this slide deck may not add up precisely to 100 percent.

*The denominator used for response rate calculation reflects the number of surveys delivered via email (excludes “bounce backs”). As is typical in surveys, response counts vary by question because respondents were able to skip any item.



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 Unimportant
- Not at all Important

Survey respondents were presented with the following list of 13 factors and descriptions. To facilitate reporting, factors are organized into three categories (continued on next page).

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

Factor	Description
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.

Factor	Description
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 in Exam Development (continued)

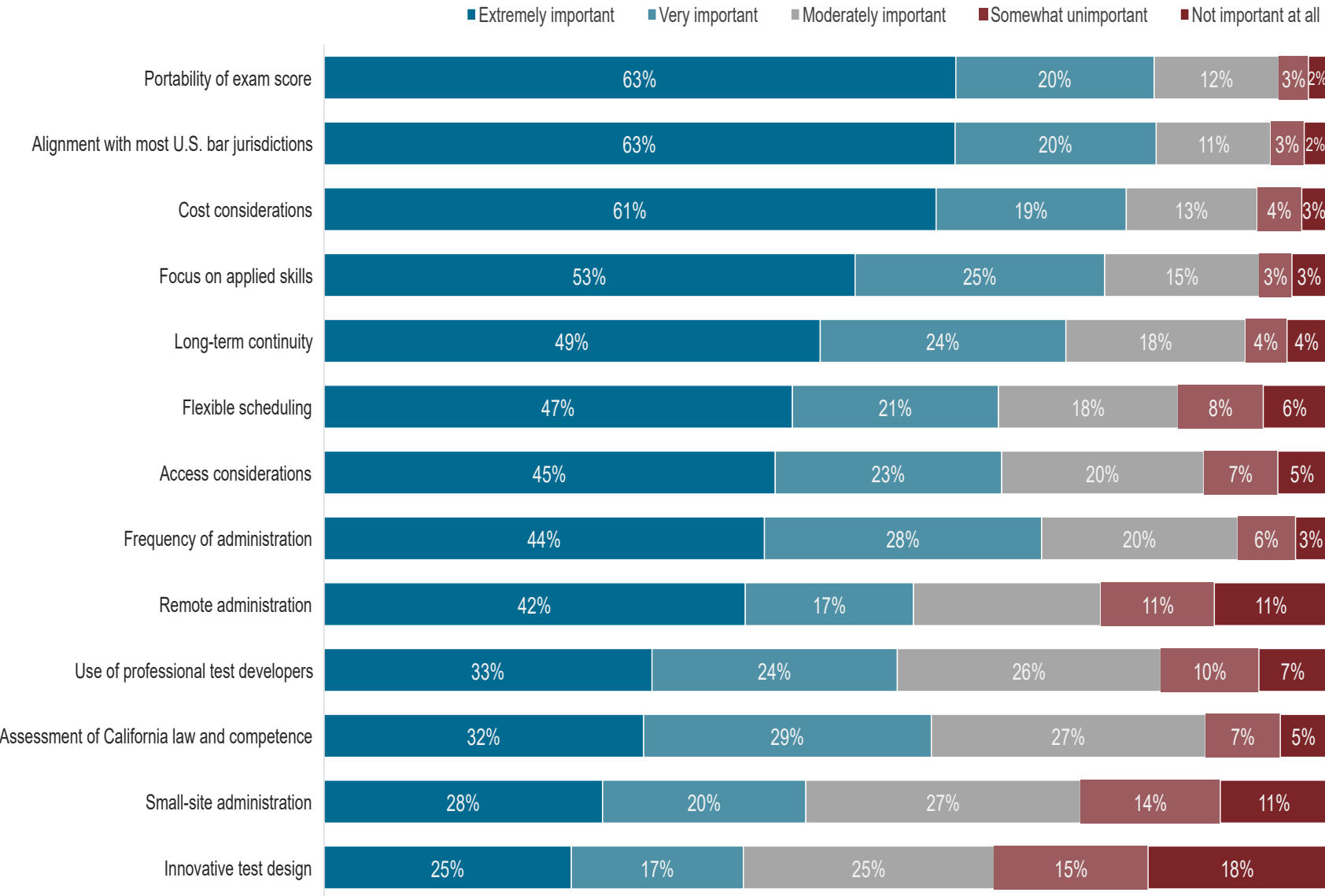
How the exam should be designed and delivered. These factors address delivery, logistics, flexibility, and test format.

Factor	Description
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.



Results: Importance of Factors to Consider in Developing the Future Bar Exam

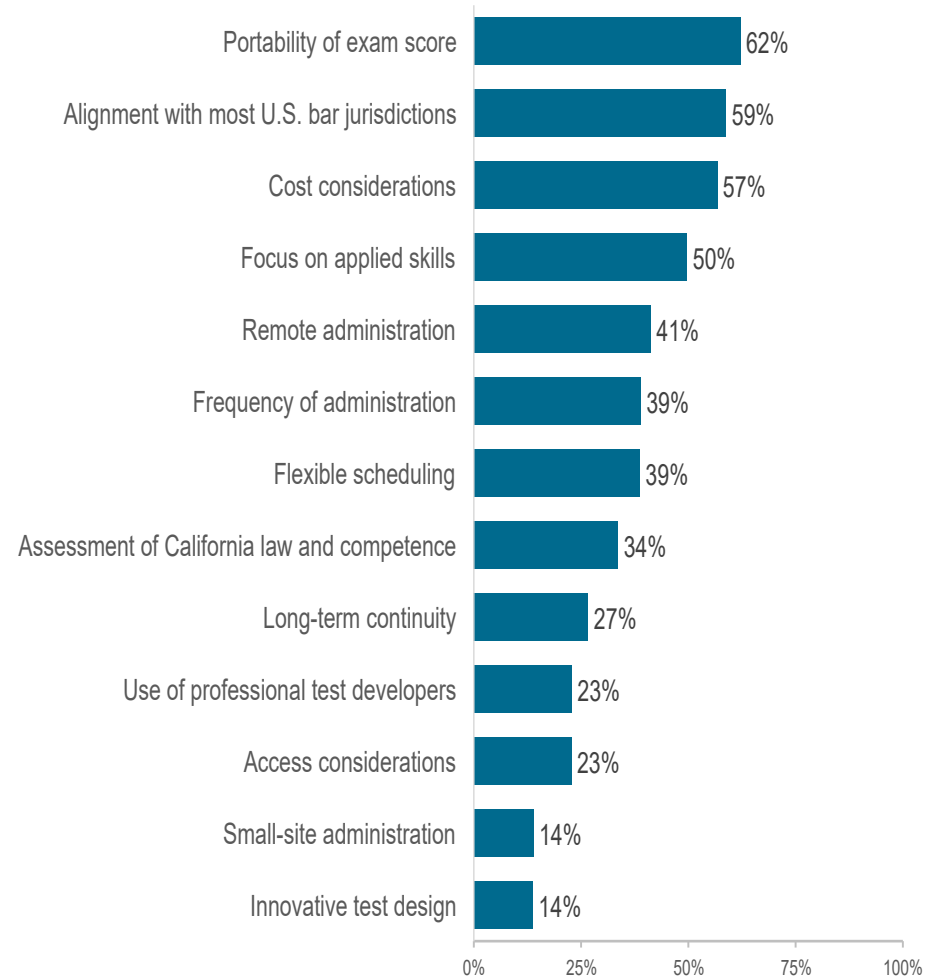
Factors are presented in descending order based on the percent of respondents who rated each factor as “extremely important.”



Top Five 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?

Results: Percent That Ranked Each Factor Among Five Most Important to Prioritize in Developing the Future Bar Exam



Results: Top Five Factors by Current Status and CBX Attempt

Results were grouped into three categories based on the share of respondents who ranked each factor among their top five priorities for exam development (see visual to the right for criteria). This approach highlights areas of convergence across groups. Values shown represent the percentage of respondents within each group who ranked each factor in their top five.

Criteria
≥ 56% selected factor among top five
31–55% selected factor among top five
≤ 30% selected factor among top five

Factor	Current Status							Has Taken CBX	
	Law Student, ABA-Approved	Law Student, CALS	Law Student, CA Unaccredited	Law Office Study Program	Law School Graduate, Not Licensed	U.S. Attorney	Foreign Attorney	Yes	No
What the exam should measure									
Assessment of California law and competence	40%	35%	30%	55%	30%	30%	28%	31%	35%
Focus on applied skills	48%	57%	58%	42%	51%	46%	43%	52%	49%
Systems and policy considerations									
Alignment with most U.S. bar jurisdictions	63%	58%	48%	45%	51%	78%	51%	54%	61%
Long-term continuity	35%	23%	35%	24%	21%	32%	25%	20%	29%
Portability of exam score	65%	58%	48%	63%	61%	83%	51%	56%	64%
How the exam should be designed and delivered									
Access considerations	31%	21%	20%	21%	22%	20%	18%	18%	24%
Cost considerations	61%	52%	58%	50%	62%	50%	62%	63%	56%
Flexible scheduling	32%	47%	43%	42%	43%	26%	46%	38%	39%
Frequency of administration	32%	40%	40%	47%	51%	29%	47%	50%	36%
Innovative test design	9%	20%	15%	16%	13%	7%	18%	14%	14%
Remote administration	27%	51%	50%	24%	43%	27%	65%	44%	41%
Small-site administration	16%	13%	15%	16%	17%	10%	10%	17%	13%
Use of professional test developers	25%	21%	25%	26%	21%	29%	18%	22%	23%

Results: Top Five Factors by Race/Ethnicity

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

Criteria
≥ 56% selected factor among top five
31–55% selected factor among top five
≤ 30% selected factor among top five

Factor	Asian	Black/ African American	Latino	Middle Eastern/ North African	Multiracial	White
What the exam should measure						
Assessment of California law and competence	34%	36%	38%	29%	37%	33%
Focus on applied skills	42%	52%	63%	48%	54%	49%
Systems and policy considerations						
Alignment with most U.S. bar jurisdictions	53%	55%	48%	62%	57%	64%
Long-term continuity	31%	16%	19%	22%	32%	28%
Portability of exam score	58%	64%	48%	48%	69%	67%
How the exam should be designed and delivered						
Access considerations	25%	20%	19%	24%	27%	23%
Cost considerations	57%	68%	58%	60%	55%	55%
Flexible scheduling	44%	40%	39%	44%	30%	39%
Frequency of administration	42%	36%	47%	46%	41%	35%
Innovative test design	12%	17%	17%	19%	10%	14%
Remote administration	52%	53%	43%	44%	34%	35%
Small-site administration	12%	14%	15%	13%	13%	14%
Use of professional test developers	20%	16%	20%	17%	22%	26%

Results: Top Five Factors by Gender Identity, Age, and First-Generation College Status

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

Criteria
≥ 56% selected factor among top five
31–55% selected factor among top five
≤ 30% selected factor among top five

Factor	Gender Identity		Age			First in Immediate Family to Attend College	
	Men	Women	Younger than 40	Age 40–49	Age 50 or Older	Yes	No
What the exam should measure							
Assessment of California law and competence	37%	32%	34%	28%	41%	33%	34%
Focus on applied skills	48%	52%	47%	53%	56%	54%	48%
Systems and policy considerations							
Alignment with most U.S. bar jurisdictions	59%	59%	59%	58%	60%	54%	61%
Long-term continuity	29%	25%	30%	24%	19%	23%	29%
Portability of exam score	66%	60%	63%	65%	60%	56%	65%
How the exam should be designed and delivered							
Access considerations	19%	24%	25%	20%	17%	22%	23%
Cost considerations	49%	63%	63%	48%	50%	60%	56%
Flexible scheduling	40%	39%	36%	41%	47%	42%	37%
Frequency of administration	39%	39%	39%	38%	36%	40%	38%
Innovative test design	16%	13%	12%	15%	18%	13%	14%
Remote administration	44%	40%	36%	48%	50%	47%	38%
Small-site administration	13%	14%	12%	15%	15%	19%	11%
Use of professional test developers	24%	22%	23%	24%	19%	20%	24%





Options for the Future Bar Exam

Question: Please rank the 8 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.

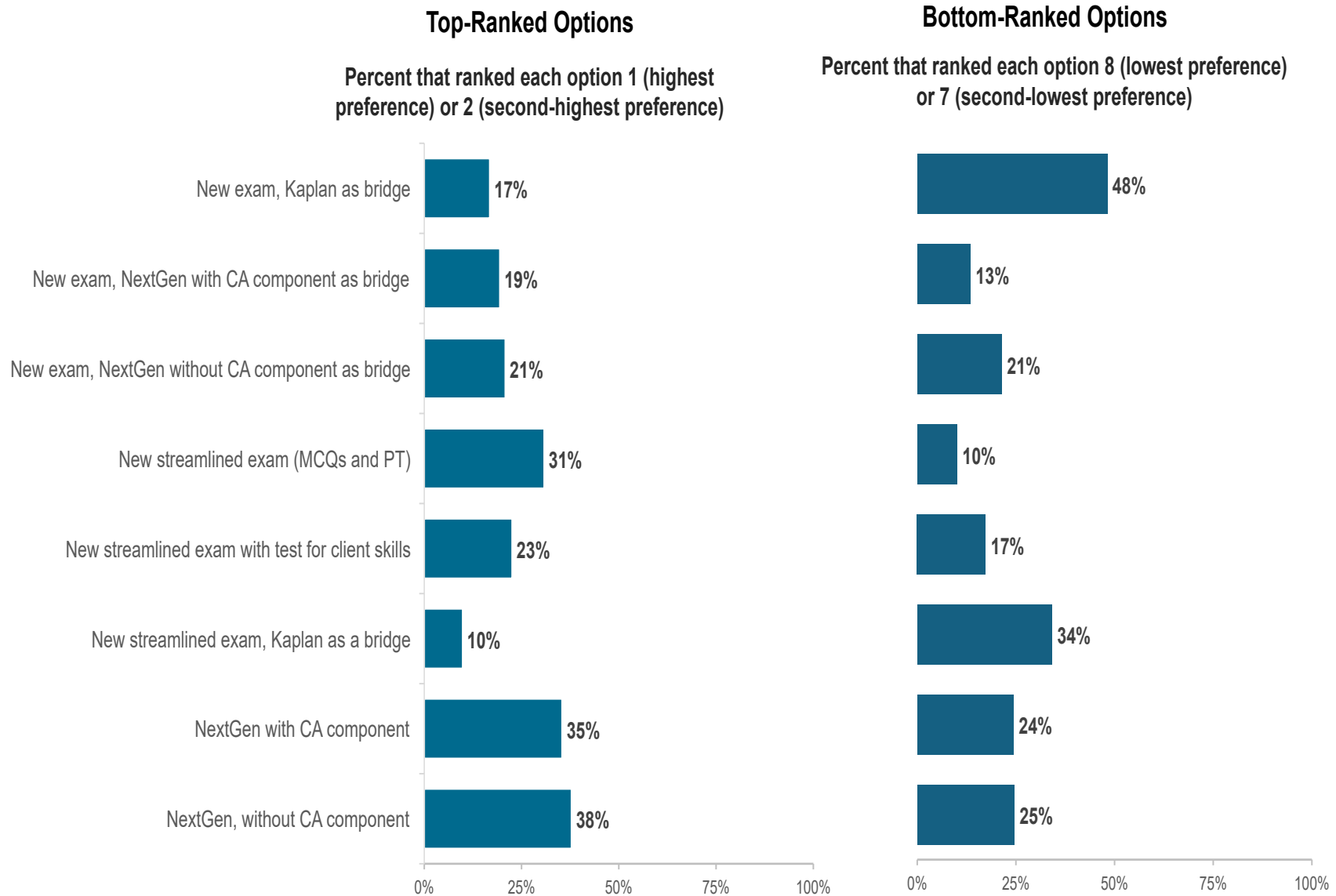
See following slide for the 8 options presented to survey respondents.



8 Exam Options Presented to Survey Respondents

Label Used for Analysis	Language Used in Survey
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).
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.
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.
New streamlined exam (MCQs and PT)	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 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).
New streamlined exam, Kaplan as a bridge	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 multiple-choice questions and California essays and PTs.
NextGen with CA component	Adopt the NCBE's NextGen UBE and add a California-specific component.
NextGen, without CA component	Adopt the NCBE's NextGen UBE without adding a California-specific component.

Results: Top- and Bottom-Ranked Options



Results: Top-Ranked Options by Current Status and CBX Attempt

Values represent the percent that ranked each option as a 1 (highest preference) or 2 (second-highest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where support for options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Current Status							Has Taken CBX	
		Law Student, ABA-Approved	Law Student, CALS	Law Student, CA Unaccredited	Law Office Study Program	Law School Graduate, Not Licensed	U.S. Attorney	Foreign Attorney	Yes	No
New exam, Kaplan as bridge	17%	20%	21%	23%	18%	13%	8%	20%	13%	18%
New exam, NextGen with CA component as bridge	19%	27%	16%	15%	29%	17%	15%	25%	18%	20%
New exam, NextGen without CA component as bridge	21%	22%	20%	25%	24%	18%	17%	28%	21%	21%
New streamlined exam (MCQs and PT)	31%	23%	40%	45%	34%	33%	21%	32%	33%	31%
New streamlined exam with test for client skills	23%	20%	28%	13%	39%	26%	13%	21%	25%	22%
New streamlined exam, Kaplan as a bridge	10%	7%	13%	15%	24%	10%	6%	10%	10%	10%
NextGen with CA component	35%	41%	27%	30%	16%	35%	55%	28%	33%	36%
NextGen, without CA component	38%	38%	30%	35%	16%	40%	64%	31%	41%	37%



Results: Top-Ranked Options by Race/Ethnicity

Values represent the percent that ranked each option as a 1 (highest preference) or 2 (second-highest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where support for options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Asian	Black/ African American	Latino	Middle Eastern/ North African	Multiracia l	White
New exam, Kaplan as bridge	17%	23%	16%	21%	24%	15%	14%
New exam, NextGen with CA component as bridge	19%	22%	25%	20%	11%	18%	22%
New exam, NextGen without CA component as bridge	21%	26%	22%	22%	21%	27%	18%
New streamlined exam (MCQs and PT)	31%	29%	28%	36%	33%	34%	30%
New streamlined exam with test for client skills	23%	20%	21%	24%	27%	22%	24%
New streamlined exam, Kaplan as a bridge	10%	9%	9%	16%	11%	8%	10%
NextGen with CA component	35%	29%	37%	26%	32%	35%	39%
NextGen, without CA component	38%	37%	32%	26%	38%	38%	40%



Results: Top-Ranked Options by Gender Identity, Age, and First-Generation College Status

Values represent the percent that ranked each option as a 1 (highest preference) or 2 (second-highest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where support for options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Gender Identity		Age			First in Immediate Family to Attend College	
		Men	Women	Younger than 40	Age 40–49	Age 50 or Older	Yes	No
New exam, Kaplan as bridge	17%	18%	17%	18%	14%	16%	19%	16%
New exam, NextGen with CA component as bridge	19%	22%	20%	20%	16%	25%	20%	20%
New exam, NextGen without CA component as bridge	21%	19%	22%	22%	19%	19%	20%	21%
New streamlined exam (MCQs and PT)	31%	30%	32%	26%	38%	38%	33%	30%
New streamlined exam with test for client skills	23%	24%	23%	19%	29%	29%	26%	21%
New streamlined exam, Kaplan as a bridge	10%	9%	10%	10%	10%	9%	12%	9%
NextGen with CA component	35%	38%	35%	39%	33%	30%	29%	38%
NextGen, without CA component	38%	38%	36%	9%	5%	46%	31%	41%



Results: Bottom-Ranked Options by Current Status and CBX Attempt

Values represent the percentage that ranked each option as an 8 (lowest preference) or 7 (second-lowest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where lower preference to options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Current Status							Has Taken CBX	
		Law Student, ABA-Approved	Law Student, CALS	Law Student, CA Unaccredited	Law Office Study Program	Law School Graduate, Not Licensed	U.S. Attorney	Foreign Attorney	Yes	No
New exam, Kaplan as bridge	48%	45%	42%	55%	45%	57%	60%	44%	58%	46%
New exam, NextGen with CA component as bridge	13%	10%	16%	23%	21%	15%	13%	11%	15%	13%
New exam, NextGen without CA component as bridge	21%	20%	22%	25%	21%	24%	18%	21%	25%	21%
New streamlined exam (MCQs and PT)	10%	15%	9%	5%	11%	6%	12%	11%	7%	11%
New streamlined exam with test for client skills	17%	23%	15%	18%	11%	12%	23%	17%	14%	18%
New streamlined exam, Kaplan as a bridge	34%	38%	33%	30%	34%	35%	41%	27%	33%	35%
NextGen with CA component	24%	21%	28%	25%	32%	24%	15%	33%	22%	25%
NextGen, without CA component	25%	26%	29%	20%	26%	19%	16%	32%	20%	26%



Results: Bottom-Ranked Options by Race/Ethnicity

Values represent the percentage that ranked each option as an 8 (lowest preference) or 7 (second-lowest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where lower preference to options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Asian	Black/ African American	Latino	Middle Eastern/ North African	Multiracia l	White
New exam, Kaplan as bridge	48%	41%	45%	46%	49%	52%	51%
New exam, NextGen with CA component as bridge	13%	13%	10%	11%	13%	13%	15%
New exam, NextGen without CA component as bridge	21%	22%	24%	20%	29%	18%	20%
New streamlined exam (MCQs and PT)	10%	9%	9%	10%	10%	11%	11%
New streamlined exam with test for client skills	17%	20%	17%	14%	17%	17%	16%
New streamlined exam, Kaplan as a bridge	34%	28%	39%	26%	29%	39%	36%
NextGen with CA component	24%	34%	22%	33%	21%	25%	21%
NextGen, without CA component	25%	30%	22%	32%	30%	20%	24%

Note: Values represent the percentage that ranked each option as an 8 (lowest preference) or 7 (second-lowest preference).



Results: Bottom-Ranked Options by Gender Identity, Age, and First-Generation College Status

Values represent the percentage that ranked each option as an 8 (lowest preference) or 7 (second-lowest preference). Shaded cells highlight groups whose results were at least three percentage points higher than those of total respondents. This approach helps surface where lower preference to options is comparatively stronger while avoiding focus on small or nonsubstantive variation.

Option	Total	Gender Identity		Age			First in Immediate Family to Attend College	
		Men	Women	Younger than 40	Age 40–49	Age 50 or Older	Yes	No
New exam, Kaplan as bridge	48%	50%	47%	48%	52%	46%	46%	49%
New exam, NextGen with CA component as bridge	13%	13%	13%	12%	16%	14%	13%	14%
New exam, NextGen without CA component as bridge	21%	24%	20%	20%	24%	24%	22%	21%
New streamlined exam (MCQs and PT)	10%	9%	11%	12%	7%	9%	9%	11%
New streamlined exam with test for client skills	17%	17%	17%	19%	15%	14%	11%	20%
New streamlined exam, Kaplan as a bridge	34%	32%	35%	36%	32%	34%	31%	35%
NextGen with CA component	24%	25%	25%	24%	26%	24%	30%	22%
NextGen, without CA component	25%	26%	27%	9%	3%	30%	28%	23%



California-Specific Component

Survey respondents were presented with the following lead-in text and survey items.

Lead-in text: If the Supreme Court adopts the NextGen UBE, they could also require a California-specific component. The purpose of this component would shape its content, format, and delivery. For example, if its purpose is to test minimum competence in California-specific law or skills not tested on the NextGen UBE, it might be a fully scored, proctored, and graded assessment. If its purpose is to ensure applicants are exposed to specific areas of California law or have familiarized themselves with key concepts essential to preventing misconduct, it might be an online learning tool, available on demand with short quizzes or longer assessments to ensure learning outcomes are achieved.

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

Response Options	Results
To assess minimum competence in California-specific law or skills.	47%
To ensure applicants are exposed to specific areas of California law or have familiarized themselves with key concepts essential to prevent misconduct.	48%
Other	5%

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

Response Options	Results
Administered in-person on the second day of the NextGen UBE	19%
Administered online/remotely on demand	43%
Administered online/remotely up to 4 times per year	38%



Supplementary Slides



Survey Respondents: Distribution of Current Status

The analytical data field **Current Status** was constructed by combining responses to two survey items describing respondents' current status and legal education/pathway to admission. Write-in responses to the "Other [fill in]" option were reviewed and assigned to existing categories where applicable. The resulting categories and their corresponding counts and percentages are shown below.

Question: What best describes your current status?	Question: Which of the following best describes your legal education or pathway to admission to the State Bar of California?	Current Status		
		Categories	Number	Percent
Am eligible to sit for the bar exam after having completed 4 years of law school without graduation	ABA-approved law school in California	Law student, ABA-approved	379	22.9%
Currently enrolled in law school or the Law Office Study Program	ABA-approved law school outside of California	Law student, CALS	335	20.3%
Graduated from law school but not licensed in any jurisdiction	California-accredited law school	Law student, CA Unaccredited	40	2.4%
Not licensed in California but licensed attorney in a jurisdiction outside of the United States	California Law Office Study Program	Law Office Study Program	38	2.3%
Not licensed in California but licensed attorney within the United States	California unaccredited law school	Law student, unknown	39	2.4%
Other [fill in]		Law school graduate, not licensed	297	18.0%
		U.S. attorney	247	15.0%
		Foreign attorney	216	13.1%
		Completed 4 years of law school without graduation	20	1.2%
		Disciplined attorney	1	0.1%
		Skipped one or both questions	19	1.2%
		Unknown	21	1.3%
		Total	1,652	100%

Note: "CALS" denotes a California-accredited law school. Responses to "Other [fill in]" that could not be interpreted or did not fit analytic categories were categorized as "Unknown."



Survey Respondents: Distribution of CBX Attempt

CBX Attempt

Question: Have you taken the California bar exam previously?

Categories	Number	Percent
Yes	353	21%
No	1,276	77%
Skipped	23	1%
Total	1,652	100%



Survey Respondents: Distribution of Respondent Demographics

Race/Ethnicity

Question: With which race and/or ethnicity do you identify?
Select all that apply.

Categories	Number	Percent
American Indian or Alaska Native	8	0.5%
Asian	265	16.0%
Black or African American	148	9.0%
Latino	199	12.0%
Middle Eastern or North African	63	3.8%
Multiracial	157	9.5%
Native Hawaiian or Pacific Islander	2	0.1%
White	576	34.9%
Prefer to self-identify as [write-in]	21	1.3%
Prefer not to answer	185	11.2%
Skipped	28	1.7%
Total	1,652	100%

Note: Respondents who selected more than one racial/ethnic group other than the "Prefer to self-identify as [write-in]" category were categorized as "Multiracial" for analytical purposes.

Gender Identity

Question: Which of the following best describes you personally?
Select all that apply.

Categories	Number	Percent
Man	580	35.1%
Nonbinary	22	1.3%
Two-Spirit	2	0.1%
Woman	901	54.5%
Prefer to self-identify as [write-in]	7	0.4%
Prefer not to answer	106	6.4%
Skipped	34	2.1%
Total	1,652	100%

Note: Respondents who selected "Two-Spirit" or more than one gender identity other than the "Prefer to self-identify as [write-in]" category were categorized as "Nonbinary" for analytical purposes.



Survey Respondents: Distribution of Respondent Demographics (continued)

Age

Question: What is your age?

Categories	Number	Percent
29 or younger	486	29%
30–39	472	29%
40–49	347	21%
50 or older	280	17%
Prefer not to answer	46	3%
Skipped	21	1%
Total	1,652	100%

Note: "29 or younger" was combined with "30–39" for analytical purposes.

First-Generation College Status

Question: Were you the first in your immediate family to attend college?

Categories	Number	Percent
Yes	521	31.5%
No	1,071	64.8%
I'm not sure	8	0.5%
Prefer not to answer	36	2.2%
Skipped	16	1.0%
Total	1,652	100%



The Recorder – January 29, 2026

[Calif. Chief Justice Calls for Limits on ICE in Courthouses, More Opinions from State High Court](#)

By Cheryl Miller

State judiciary leaders are studying ways to limit federal immigration activities inside state courthouses, including possible litigation, California’s chief justice said Thursday.

Meeting with reporters in San Francisco, Patricia Guerrero said that while she does not want to interfere with federal authorities, detaining people coming to court as litigants and witnesses “instills fear.”

“They can do their work outside of the courtroom,” Guerrero said of federal agents.

Administrators and judges from 17 courthouses around the state have reported some type of immigration enforcement action, including agents working both inside court buildings and outside, waiting for targeted individuals to exit. Under the first and current Trump administrations, federal

officials have said courthouses’ public calendars and security screenings offer a safer environment for detaining immigrants.

Judicial branch leaders have passed along guidance to courts about dealing with immigration agents while exploring the possible expansion of remote appearances to limit the number of people who must come to a courthouse. Leaders have also spoken with California Attorney General Rob Bonta “trying to anticipate possible litigation strategies, which I can’t get into too much, but to make sure that they’re involved and informed,” Guerrero said.

The chief justice later added that filing a lawsuit was only a “hypothetical situation” and not “something that I think, under the circumstances, is the appropriate time.”

“I acknowledge limitations in terms of what we can do,” Guerrero continued. “But it doesn’t minimize the concern that we have for the individuals involved and for what we’re seeing and feeling,”

Sworn into office in January 2023, Guerrero has overseen the nation’s largest trial court system amid ever-changing state budget forecasts, the election of a president who has been openly hostile to judges and the widely publicized administration of a disastrous February 2025 bar exam. In her annual meeting with reporters, Guerrero addressed some of those issues.

On the debate over what California’s future bar exam should look like, Guerrero said that while she wants to see what state bar leaders recommend, she feels “more comfortable” with the National Conference of Bar Examiners’ NextGen exam.

State bar trustees last week delayed a decision on a recommendation, saying they want more information about the NextGen test as well as a California-specific test that uses questions written by Kaplan. The California Supreme Court will make the final decision on the exam's format.

"It just seems like the NextGen, they're doing a good job," Guerrero said of the test that 48 jurisdictions have announced they will use. "I'm not saying that the other alternative is off the table. But you ask what I feel about the NextGen and from what I have heard others, what I've seen, they're doing a good job."

On reports that state's high court issued a historically low number of opinions last year, Guerrero said the number is in line with those written in recent post-pandemic years. The court continues to grapple with issues raised by the Racial Justice Act, the 2021 California law that allows defendants to challenge their convictions and sentencing based on alleged discriminatory motivations.

But Guerrero said she has also spoken to her colleagues about working toward a goal of at least 10 opinions per justice each year, a figure she called "a legitimate target."

"I view it not in terms of the actual number," she said. "I view it as an access to justice issue that the court should be promptly resolving cases that are before us. These are issues of statewide significance that impact everyone in the state. It impacts the courts of appeal. It impacts the trial courts, because they need our guidance on these questions."

On open criticism of and threats against both federal and state judges, Guerrero specifically mentioned comments by Assemblyman Carl DeMaio, R-San Diego, that the state Supreme Court's "liberal judges" this week acted as "lapdog, not a watchdog," in letting stand a lower court ruling nixing the city of Huntington Beach's voter identification requirements.

"It's really infuriating when I see some of the remarks, and sometimes I just have to stop reading because they automatically think that we're ruling one way, because we have a political inclination to rule in that way, or we have a personal agenda or political agenda," Guerrero said. "People need to be better educated about what it is that we do, and what our role is."

The Recorder – February 19, 2026

[Bill Would Order California State Bar to Use NextGen on Future Bar Exams](#)

By Cheryl Miller

A Southern California lawmaker has introduced legislation that would give the Legislature unprecedented sway over what's covered in and disclosed about the state's annual bar exam.

[AB 2109](#) by Assemblymember Diane Dixon, R-Newport Beach, would mandate that the state bar use the National Conference of Bar Examiners' NextGen Uniform Bar Exam starting in 2029. Another bill by Dixon, [AB 1651](#), would require the bar to disclose any use of artificial intelligence to develop bar exam content or study materials.

The bills' unveiling comes as state bar leaders continue to debate what California's future lawyer-licensing tests should look like.

The state currently administers the NCBE's Multistate Bar Exam. But the NCBE is dropping that test after February 2028 in favor of the NextGen.

State law requires the bar to give two years' notice before changing exams, giving the agency's leaders only a few months at most to send a recommendation to the California Supreme Court so justices can make a final decision about the July 2028 test.

In a January meeting, the bar's Board of Trustees declined to immediately endorse a new test format and instead asked for more analysis of both the NextGen exam and a proposal to allow private vendor Kaplan to continue providing test questions.

Dixon's AB 2109, if approved, would take the choice away from trustees and the California Supreme Court, but not until 2029. It's unclear why the Assemblymember chose 2029, and not 2028, as the start year.

Neither she nor her staff returned messages seeking comment.

It's also unclear whether the Legislature has the power to wrest control of the bar exam's content from the state Supreme Court.

Scholars and precedent have long [recognized](#) the seven justices' inherent and constitutional authority to oversee admissions to the bar. The high court sets the exam's passing score and its previous orders have dictated the subjects it will cover as well as its format—in-person and on-line at various times.

State lawmakers have, in recent years, ordered audits of the bar, split the agency's regulatory functions from its traditional professional advocacy role, given the public access to the bar's administrative records and, at times, openly criticized its leadership. But legislators have not, at least until now, tried to mandate how the test is written or to set its passing score.

Asked about AB 2109, a state bar spokesperson simply reiterated that trustees are considering NextGen as a future testing option.

Dixon is not a lawyer, though the former business executive serves on the Assembly Judiciary Committee. Dixon's husband, Patrick Dixon, is a long-time prosecutor who has worked in both Orange and Los Angeles counties.

Dixon authored [legislation](#) last year that was signed by Gov. Gavin Newsom and requires the bar's Board of Examiners to analyze whether using a multistate bar exam would be cheaper and more efficient than other options.

Dixon's second bill, AB 1651, follows revelations that the state bar [used](#) generative artificial intelligence to develop 23 questions on the disastrous February 2025 exam, a fact the bar did not share with the state Supreme Court until after the test was administered. The bill does not say when the bar would have to disclose its use of AI on the test and test materials, nor has Dixon's office said how the legislation differs from a similar bill adopted last year.

Legislation [approved](#) by the governor in 2025 requires the bar's Committee of Bar Examiners to give notice if it uses AI to create questions. Additionally, state bar trustees last November adopted a generative AI use framework that now requires board approval for AI-generated exam questions.

Policy committee hearings have not been set yet for Dixon's two bills.

The Recorder – February 18, 2026

[Law School Leaders Plead for Decision on Future of California Bar Exam](#)

By Cheryl Miller

Law school leaders on Wednesday pleaded with California bar officials to decide quickly on a format for future exams, citing growing frustration among students and professors at not knowing how to prepare for licensing tests in 2028 and beyond.

Members of the Law School Council, a panel of academics that advises the state bar on issues affecting American Bar Association-approved campuses, said during an online meeting that they need certainty—and time—to design coursework that will prepare students for the exam.

Carly Sassi, associate director of academic achievement at California Western School of Law, is teaching a 1L elective and said she has to tell students, "I don't know what your bar exam is going to look like. I have no idea how you're writing an essay for the exam."

The need for stability, Sassi said, "is the biggest thing."

The bar's Board of Trustees last month [declined](#) to make an immediate choice between administering a unique exam written by Kaplan or joining most other states in adopting the National Conference of Bar Examiners' NextGen test.

California currently uses NCBE's Multistate Bar Exam. But NCBE will stop delivering that test in February 2028, leaving states to opt into the NextGen exam or offer another law licensing path.

California law requires the state bar give two years' notice before significantly altering the exam format. If the agency's leaders decide to go with NextGen for the July 2028 test, they will need to deliver that recommendation to the California Supreme Court in the coming months to meet that two-year-alert deadline.

Trustees said they wanted more information about the benefit and risks of each testing option. Some have also talked about using a "bridge" test, possibly the NextGen, between the MBE and a future California-centric exam.

The possibility of having to prepare different classes of students at the same school to take different exams in a relatively short time span has educators frazzled.

"I object to any and all bridge options as just a fundamental misunderstanding of law school education in the current environment," said Susan Smith Bakhshian, director of bar programs at Loyola Law School. "It is unfair to ask students to incur the kind of debt they incur, to invest three to four years of their life with a 'Hey, at the end of it all, there will be some kind of a licensing test for you.' We have to stop that. That cannot be a way forward."

California's Supreme Court in 2024 endorsed the development of a unique bar exam that would focus on practical skills application and could be delivered remotely. After the disastrous February 2025 exam, however, justices ordered ensuing tests to be administered in person and indicated they would consider new state bar recommendations for future tests.

ABA law school leaders have endorsed a permanent move to NextGen. But some state bar trustees have worried about the agency's existing five-year, \$8.25 million contract with Kaplan.

Bakhshian said she was "deeply disturbed" by that thinking "as if this somehow justifies settling for subpar licensure in our state because we've already invested the money. It's absurd, and we should no longer be focused on that. We should be focused on what is the best option going forward."

State bar staff have [posted](#) an early draft report on the risks and benefits of the two main testing options in anticipation of a Bar Examiners' subcommittee meeting Friday. The analysis does not appear to weigh in favor of one option or the other.

State bar trustees have not indicated when they will vote on a final recommendation to give to the California Supreme Court. An initial agenda for the trustees' meeting on Feb. 26-27 does not include an item on exam options.

Daily Journal – February 18, 2026

[Opinion: After last year's bar exam disaster, state must adopt NextGen](#)

By Erwin Chemerinsky

The failure of the California State Bar (Bar) to adopt the NextGen Bar exam and the Uniform Bar Exam (UBE) truly makes no sense. Forty-one states have already adopted it, and although virtually every law school dean in the state has urged the same course, the Bar has still refused to act. The California Supreme Court should use its authority to adopt it.

In summer 2024, the Bar decided to stop using the National Conference of Bar Examiners' Multistate Bar Exam and signed a contract with Kaplan Test Preparation Center to prepare its questions. This was done to save money. Many, including me, objected to abandoning an entity experienced in preparing licensing exams for an entity with no experience in doing so. This shift was to begin with the February 2025 bar exam. Kaplan gave a practice exam in fall 2024, with the Bar promising extra points for those who participated. By all accounts it went poorly.

But it was nothing compared to the February 2025 bar exam, which was a disaster. Students described many poorly drafted questions. After the exam, the Bar admitted that a psychometrician used artificial intelligence to draft 23 questions that were used on the exam. The drafter worked for ACS Ventures, which had been hired by the Bar to evaluate the exam questions. Also, 48 of the questions were recycled from the Bar's First Year Law Student's exam, the so-called "baby bar exam" given to students attending non-ABA-accredited law schools.

The administration of the exam also was a nightmare. ProcturU Inc., doing business as Meazure Learning, was contracted to administer the exam remotely. Many taking the exam could not access the platform, or had system crashes, or were given conflicting instructions. A critical feature that should have allowed candidates to copy and paste text into response fields was not working.

In response to this fiasco, on March 4, the California Supreme Court directed that for the summer 2025 bar exam the state would revert back to an in-person exam using the Multistate Bar Exam prepared by the National Conference of Bar Examiners. In October 2025, California enacted a law requiring the State Bar of California's Committee of Bar Examiners to provide two years' notice before switching from in-person to online testing and to give 18 months' notice before changing the vendor that provides the exam's multiple-choice questions. It also requires the state bar to give notice if artificial intelligence is used to create exam questions or in grading.

The question, then, is what the Bar will do beginning with the July 2028 bar exam. The Bar conducted a survey of law school deans. Every dean of an ABA-accredited law

school supported the use of professional test developers and there was strong support for this among deans of state accredited schools and unaccredited law schools. The National Conference of Bar Examiners is shifting from the Multistate Bar Exam to the NextGen Bar. It is part of a Uniform Bar Exam, which allows students to take their score to other jurisdictions and seek admission there. Each state decides for itself what is a passing score for admission to its bar.

On Jan. 23, 2026, there was a joint meeting of the Board of Trustees of the California Bar and the Committee of Bar Examiners to discuss the future of the bar exam. Six deans were invited to attend--two from ABA-accredited law schools, two from state-accredited law schools, and two from unaccredited law schools. Dean Brietta Clark, from Loyola Law School, and I represented the ABA-accredited schools. We strongly urged adoption of the NextGeneration Bar and the Uniform Bar Exam. The deans representing the state accredited schools took the same position. The deans from the unaccredited schools favored an approach like Nevada has adopted that includes exams on specific subjects and a supervised practice requirement for admission but said that they were closely divided between this option and the NextGen/UBE.

Rarely are deans of law schools virtually unanimous, but here they were in recommending the bar exam prepared by the National Conference of Bar Examiners because of its long experience in writing a licensing exam. It has spent years developing the new NextGen bar exam. Especially after the disaster of the February 2025 bar exam, no other alternative will have the necessary level of confidence. Moreover, the Uniform Bar Exam will facilitate mobility as students will be able to use their scores for admission to the bar in other states.

This should be easy. Why survey law school deans and invite testimony only to ignore their emphatic advice? Yet the Jan. 23 meeting still failed to resolve the issue.

The State Bar website describes the results of this meeting: "At its joint meeting on Friday, January 23, 2026, the Board of Trustees and the Committee of Bar Examiners (CBE) voted to explore a plan that could have the State Bar, beginning in 2028, administer the National Conference of Bar Examiners' NextGen Uniform Bar Examination (NextGen UBE), without a California-specific component. The Board also approved the possibility of a return to using questions developed by Kaplan Exam Services. The CBE's and Board's actions do not limit the final recommendation that they may make to the California Supreme Court based on their final review and evaluation of the many competing interests."

In other words, no decision was made. Board member Emery Toney made the astounding comment, "This may sound like sacrilege, but I am going to put it on the table: We don't have to offer a July '28 exam." Of course, the state has to offer a bar

exam in July 2028 for all of those who have spent three years in law school with the expectation that they could take a bar exam.

We should expect better from the Board of Trustees and the Committee of Bar Examiners. The California Supreme Court should end this fiasco by specifying that beginning July 2028, California will use the NextGen Uniform Bar Exam prepared by the National Conference of Bar Examiners.

Reuters – February 11, 2026

[US law school admissions test ends online option over cheating concerns](#)

By Karen Sloan

The predominant exam used in the United States and internationally for U.S. law school admissions will no longer be offered online starting in August in a bid to bolster test security, its creator said on Wednesday.

The Law School Admission Test will be administered only at testing centers following the upcoming June exam, with exceptions for examinees with "limited" medical conditions and certain geographical hardships, the Law School Admission Council said in a blog post on its website.

"We currently use a wide range of security measures before, during, and after testing to deter and detect potential misconduct," the [announcement](#), said. "Moving to in-person testing will provide another important deterrent to anyone who tries to undermine the integrity of the test."

The move away from remote testing, which the council first introduced during the COVID-19 pandemic, comes amid escalating concerns over cheating. The council in August said it was [suspending](#) the online LSAT in mainland China after receiving reports of systemic cheating there.

A council spokesperson said test security is a "global priority" but declined to comment on Wednesday on whether it had evidence of cheating outside of China, saying the organization does not "discuss details of our test security work."

LSAT test prep providers have for months been calling for the end of the online option, warning that cheating in any jurisdiction undermines the integrity of the exam across the globe.

"I think it's a great move," said Dave Killoran, chief executive officer of LSAT prep company PowerScore. "By and large, taking people off the remote platform will really limit the ability of cheating agencies to steal the test, so this is a necessary step."

A Chinese student now studying at a Texas law school told Reuters in August that he warned the council about proliferating offers on Chinese language social media sites charging as much as \$8,000 for help in cheating on the online LSAT.

In some cases, cheating rings hire groups to take standardized tests such as the LSAT and memorize exam questions, then compile and resell them to examinees, Steve Addicott, chief operating officer of testing security firm Caveon, said at the time.

Cheating rings also use hidden, high-definition cameras to photograph in-person and online exams, and can sometimes gain remote access to a test taker's computer and answer the questions for them, Addicott said.

The LSAT was exclusively given in person until the COVID-19 pandemic forced the exam to go online in 2020. In 2023, the council began [offering test takers a choice](#) between taking the exam remotely or in centers.

On the most recent January exam, 61% of LSAT takers opted for test centers while 39% were online, according to the council.

The move to in-person testing is also expected to reduce technical issues, as online LSAT takers accounted for the "majority" of exam score holds related to technological or proctoring issues, the council said.

Daily Journal – January 22, 2026

[Bar examiners, associations oppose move to multistate exam](#)

By: Staff News Writer

Most California State Bar Board of Trustees and Committee of Bar Examiners members appear opposed to adopting a multistate bar exam as a replacement to the current exam format, which must be phased out by 2028.

The survey of 22 Board of Trustees and Committee of Bar Examiners members, released ahead of a joint meeting of both committees today to discuss future exam options, indicated that most respondents favor developing a new California bar exam and using Kaplan multiple-choice questions and California-specific essays and performance tests until that exam becomes available.

Adopting a NextGen format without a California component was the lowest-ranked response.

The survey, conducted by the State Bar, was answered by 9 out of 13 Board of Trustees members and 13 out of 17 Committee of Bar Examiners members.

The State Bar was contacted for comment but had not replied by deadline.

California debuted a new Kaplan-developed, remotely administered exam in February 2025 with disastrous consequences. Exam takers were plagued by technical issues, and it was later discovered that some multiple-choice questions had been written using artificial intelligence. The State Bar subsequently defaulted to using the previous multistate bar exam format for multiple-choice questions, developed by the National Conference of Bar Examiners, following an intervention from the California Supreme Court.

The survey results come as 52 California bar associations urged the State Bar to continue developing a California-specific bar exam and reject two alternative proposals they say would undermine public protection and waste millions of dollars.

The Los Angeles County Bar Association and co-signers submitted a public comment letter supporting one of three options under consideration to replace the current bar exam -- continuing to develop a reformed California exam -- while opposing proposals to adopt either the national NextGen exam or a shortened Nevada-style exam.

The stance puts the bar associations at odds with deans of ABA-approved law schools, who last year endorsed the NextGen exam. The NextGen exam does not feature any California-specific content.

The letter also criticizes what it characterizes as a rushed decision-making process employed by the State Bar.

"There is simply no reason or benefit for California to rush this important decision," the letter states.

The State Bar is asking the Committee of Bar Examiners to choose among the three options to replace the existing exam, which relies on multiple choice questions developed by the National Conference of Bar Examiners. The NCBE is retiring the current multistate bar exam, or MBE, in February 2028, necessitating the transition to a new bar exam. Most states will transition to the NextGen format, also developed by the NCBE.

The California option would implement recommendations from a 2023 Blue Ribbon Commission and comply with a 2024 California Supreme Court order. The NextGen exam is debuting in 2026 in some states. Nevada's planned one-day exam would launch in 2027.

The bar associations raised several concerns with the NextGen and Nevada alternatives.

They argued both conflict with the California Supreme Court order mandating an exam that tests 12 subjects, including eight California-specific topics like community property, employment law and estate planning. The NextGen exam doesn't test state law and only allows a brief supplement, while Nevada's version eliminates the entire essay section, according to the letter.

Neither alternative includes remote testing, which the State Bar has said is critical to its financial health. The State Bar projected insolvency in its admissions fund by 2026 without remote testing and signed a five-year, \$8.25 million contract with Kaplan to develop remotely administered multiple-choice questions.

The bar associations also questioned whether the process complies with AB 484, which requires a cost-benefit analysis and 24-month notification for significant exam changes.

"It would be financially imprudent for the State Bar to continue to pay for the contract with Kaplan, purchase an entirely new and expensive exam such as the NextGen exam, plus additional future costs in abandoning a remote exam," the letter states.

At a May Senate Judiciary hearing, State Bar leaders testified that an early exit from the Kaplan contract would cost approximately \$6 million.

The 52 signatories include bar associations from across the state representing geographic regions, demographics and practice areas.

Metropolitan News-Enterprise

State Bar Ponders Admission Exam Without California Section

Tuesday, January 27, 2026

By a MetNews Staff Writer

The State Bar Board of Trustees and the Committee of Bar Examiners have jointly voted to explore a plan for a revamped licensure examination that would not include, for the first time in the state's history, a California-specific section.

At a joint meeting on Friday, the groups voted to explore adopting the so-called "NextGen Uniform Bar Examination," created by the National Conference of Bar Examiners ("NCBE"), as the exclusive metric for evaluating attorney-hopefuls. The test is designed to create a "portable score" that is transferable to other states while allowing each jurisdiction to set its own threshold for passing.

Also left on the table at Friday's meeting was contracting with Kaplan Exam Services, the vendor responsible for drafting most of the questions on the botched February exam, to prepare a test that includes state-specific inquiries.

A final recommendation is expected to be made to the California Supreme Court for approval by July. At the earliest, any change would go into effect for the 2028 bar exams, as the Legislature last year adopted a new rule requiring that the Committee of Bar Examiners (“CBE”) give 18 months’ notice before changing vendors for drafting exam questions.

Uniform Assessment

NCBE’s uniform assessment—which includes an essay portion, a multiple-choice section, as well as a performance exam—is slated to be rolled out in a small number of jurisdictions in July. It is being touted as measuring a “broad range of foundational lawyering skills” and focusing on “a core set of legal concepts” necessary for “entry-level practice.”

To date, more than 40 states have signed on to use the NextGen Uniform Bar Examination (“Next Gen UBE”) by 2028.

The group’s Multistate Bar Examination was used in the multiple-choice portion of California’s bar exams until February 2025, when the State Bar opted to use one prepared by Kaplan Exam Services. The February test, which involved a novel remote option, was riddled with problems, including reports of technical issues, poorly drafted inquiries, and complaints about proctors.

A small portion of the multiple-choice questions on the February exam was prepared by the independent psychometrician, ACS Ventures, which was hired by the regulatory body to evaluate the test. The State Bar admitted in April that ACS had used artificial intelligence tools to draft some of the inquiries.

The California Supreme Court ordered a return to in-person testing for the July 2025 exam, which also reverted to using the Multistate Bar Examination for the multiple-choice portion.

Performed as Expected

Friday’s joint meeting included a presentation by Kaplan representatives who said that the vendor’s questions on the February exam “performed within expected ranges” for difficulty and other metrics.

In November, the State Bar reached out to the deans of California law schools, as well as current and prospective licensees, seeking input on future exam option preferences. According to the body, leaders of American Bar Association-approved institutions “expressed a strong preference for adopting the NextGen UBE” without a California-specific component.

California-accredited law schools called for adding a state-specific section to the uniform test, but the State Bar said that the deans affiliated with the institutions “acknowledged trade-offs and expressed support for adopting NextGen [UBE] without a California component or having the California component be a lower-stakes online assessment.” Unaccredited law schools reportedly favored a streamlined exam modeled after Nevada’s approach—which allows students to complete significant portions of the licensing requirements before graduation from law school—but indicated “openness to NextGen” testing.

Multiple Options

The State Bar announced Saturday that “[t]he Board and CBE have been evaluating multiple options for 2028 and beyond,” including “[s]taying the course and...using questions developed by Kaplan...until the new exam can be developed,” adopting “the NextGen UBE with or without a California-specific component” or following “Nevada’s model, [largely] limited to multiple-choice questions and performance tests.” Board of Trustees Chair José Cisneros and CBE Chair Alan Yochelson issued a joint statement after Friday’s meeting, saying:

“The Board of Trustees and the Committee of Bar Examiners are committed to delivering a bar exam that is fair, accessible, reliable, and responsive to the evolving needs of those who take it. Today, we took an important step toward shaping an informed recommendation for the California Supreme Court. Our work will continue over the next several months and years to ensure that any changes create a better experience for all applicants, strengthen public trust, and uphold the integrity of the profession.”

The Recorder – January 26, 2026

[State Bar Leaders Punt on Future California Bar Exam Decision](#)

By: Cheryl Miller

California bar trustees on Friday declined to make a final recommendation on the format for future bar exams, saying they want more information about the risks and benefits of staying with the agency’s test-writing vendor or moving to a new multistate exam.

On a 9-2 vote, the Board of Trustees agreed to return at a future date—perhaps as late as May—to endorse using either a unique test written by Kaplan Exam Services or the multistate NextGen Uniform Bar Exam.

“I honestly don’t know which of those two as of today that I will support, but I don’t feel like I have enough information,” said trustee Mark Toney. Having state bar staff further analyze both options “would give me, and I hope my colleagues, a little bit better chance to make a final decision.”

The trustees' decision to wait compresses the time the California Supreme Court will have to consider and then issue an order detailing what the July 2028 will include.

California currently uses the National Conference of Bar Examiners' Multistate Bar Exam, which the nonprofit will administer for the last time in February 2028. A new state law requires the bar to give two years' notice before changing the exam, meaning the clock is ticking on a decision for what test California will offer in July 2028.

A spokesperson for the state Supreme Court declined to comment on the trustees' action Friday, referring only to a statement issued last year: "The court remains open to consider any new requests concerning the future of the bar exam. But, to be clear, the court's prior orders remain in effect, and the bar exam will continue to be administered in-person in accordance with those orders unless the court directs otherwise."

The trustees' vote followed an hours-long meeting with the bar's Committee of Bar Examiners, which included a presentation with Kaplan executives and a discussion with California law school deans. Trustees and examiners said they felt pressured to decide quickly and squeezed between their interests in creating an affordable, accessible test and not repeating the mistakes that led to the February 2025 exam disaster.

"The only reason we're in this extremely fast timeline is because of legislation," Toney said. "But the intent of the legislation was for us not to rush to a decision. It was to give us the time to make a thoughtful, informed decision, and so we could do that. This may sound like sacrilege, but I am going to put it on the table: We don't have to offer a July '28 exam."

Toney's suggestion that the state could skip the July 2028 exam did not appear to have support among other trustees.

Law school deans have pleaded with bar leaders to adopt the NextGen exam, which 48 jurisdictions have announced they will use in the coming years.

"I think the basic question you face is, who do you trust?" UC Berkeley School of Law Dean Erwin Chemerinsky said at Friday's meeting. "Who has the expertise in writing bar questions? Is it the National Conference of Bar Examiners that's been writing bar questions for decades and has been working on the NextGen bar for years? Or is it Kaplan, that has one set of experience with regard to a licensing exam and one that didn't go well?"

Chemerinsky referred to the February 2025 bar exam, which was plagued by technical and administrative troubles that led the state Supreme Court to reduce the passing score on a one-time basis. Although Kaplan did not administer the exam, law school academics and others have criticized the quality of some of the Kaplan-produced questions on the test.

Some of the bar's decision-makers, and dozens of local and specialty bar associations, want the state to revert to a California-centric exam in July 2028, however. The state Supreme Court had approved that format prior to the February 2025 test meltdown.

Unlike NextGen, a Kaplan-written test can be administered remotely, a popular feature among test-takers. The state bar is also continuing to pay on a five-year, \$8.25 million contract with Kaplan, even if future tests don't include any of their questions.

"I don't think that we should be driven by fear to choose what we think is the safest option," said Trustee Ryan Harrison, a Kaplan test advocate. "I'm totally against that."

A divided Committee of Bar Examiners on Friday voted 8-6 to recommend that trustees continue studying use of the NCBE's NextGen test on the July 2028 exam. Examiners did not endorse adding a California-specific section to the test.

Law school deans had argued that if the bar exam is meant to test a would-be lawyer's skills, the state does not need a component unique to California.

"The skills to practice law in California aren't different than the skills in any other state," Chemerinsky said. "We don't believe you would end up with different results with regard to the bar exam by having a California component."

Trustees rejected on a 4-7 vote a motion to recommend that the California Supreme Court use the NextGen exam in July 2028. A majority instead directed staff to return with more analysis of two options: administering the NextGen test, without a California-specific section, and using a Kaplan-written test.

The board of trustees' next regularly scheduled business meeting is set for May 22.

Bloomberg Law – January 23, 2026

[California Bar Votes on More Exam Research as Clock Ticks Down](#)

By: Maia Spoto

California bar leaders declined to lock in a direction for the future of its bar exam, following the disastrous rollout of an attempt to recreate its test in February 2025.

Instead, they selected two options for the July 2028 bar exam for further research in a Friday vote. The bar will look into adopting the National Conference of Bar Examiners' new NextGen exam, and it will look into administering a test using questions developed by Kaplan NA LLC, which it contracted to create material for last February's exam.

"I am forever mindful of the February 25 bar exam," said Chair Jose Cisneros, adding "I want to do everything possible to make sure we never, and our test takers never, have to experience that again. Which means I'm all about risk. I'm all about, what are we sure we can deliver? What are we sure is going to work? What is our highest confidence to be able to get it done?"

The NCBE test that the bar currently uses will phase out after February 2028. The bar has until this July to get approval from the state's Supreme Court on how it should test prospective lawyers when the Multistate Bar Exam is no longer available, under a new state law requiring two-years notice to switch exam vendors.

But a number of steps need to be completed before then. The bar has to run a state law-mandated cost-benefit analysis, and the final proposal must be approved at the Board of Trustees' meeting in May to reach the justices in time.

That time crunch is why the bar needed to decide Friday on the high-level form California's next bar exam could take, said Chief of Admissions Donna Hershkowitz.

'A Final Decision Not Today'

Leaders of the Board of Trustees and the Committee of Bar Examiners, still haunted by the [fallout](#) of the rushed February administration, which was marred by software crashes and revelations that a contractor [used ChatGPT](#) to write some questions, chafed under the prospective of making the weighty decision already.

California law school deans and dozens of associations of practicing lawyers presented diametrically opposed takes on the best path forward, with the deans urging adoption of the NCBE's test and the lawyer associations pushing for a California-specific test.

At one point, Vice Chair Mark Toney proposed the state bar not run an exam in July 2028 at all, an idea that other leaders dismissed and which he admitted said "may sound like sacrilege."

Cisneros said his choice would be to use the NextGen test in the short term as the bar continues developing a California-specific exam.

The motion the trustees ultimately adopted—changing direction from the Committee of Bar Examiners' 8-6 vote taken minutes earlier, which was to only consider the NextGen test—was Toney's idea.

"The point of my motion is that we make a final decision not today, but after the staff has given a little more information for us to do a comparison," Toney said.

The Board of Trustees voted 9-2 on researching both options, but did eliminate a few other ideas for 2028. Staff won't research administering the NextGen test with an additional California-created component tailored to Golden State lawyers, or creating a shorter test that could be administered more frequently, similar to efforts underway in Nevada.

[States are rethinking](#) how they assess lawyer competence as the National Conference of Bar Examiners' current standardized test is set to be administered for the last time in February 2028.

Some jurisdictions see the deadline as an opportunity to address concerns that the bar doesn't adequately measure what new attorneys need to know, are pursuing alternatives to a nationwide test.

"I think that we're in a very weird room right now—we have a ton of attorneys that are all going to be extremely risk averse by nature," said Committee of Bar Examiners Member Ashley Silva-Guzman. But, she said, there's no guarantee the NCBE will get the NextGen test right.

"We can change the face of the bar as we know it, and give something that we're proud of," Silva-Guzman said.

ABA Journal – January 23, 2026

[Should California Create its Own Bar Exam? Bar leaders Weigh In](#)

By Julianne Hill

Clarified: Despite California's [troubled attempt](#) at launching its own bar exam last February, about half of the state's bar leaders prefer a plan to create a California-specific test in the long term and use Kaplan to develop a "bridge" exam in the short term over administering the new exam created by the National Conference of Bar Examiners, a [new survey](#) shows.

This stands in contrast to the 71% of deans of California's ABA-accredited law schools surveyed who prefer using the NCBE's new NextGen Uniform Bar Examination.

The results of the surveys were posted as part of the agenda for a joint meeting of the state bar's board of trustees and bar examiners committee, scheduled for Jan. 23.

The state is forced to make a decision about which exam to use—and soon. After the disastrous administration of the state's new hybrid exam last year, the California Supreme Court ordered a [return](#) to the Multistate Bar Examination until the NCBE sunsets the UBE in 2028, and a California law requires giving a notice of two years before making substantial changes to how the exam is given.

Seven options were presented, including a proposal would create something similar to the [Nevada plan](#), a new three-pronged system that includes a multiple-choice test, a one-day performance exam and supervised practice.

"To be fair, there are pluses and minuses to all of the options," says Mary Basick, the assistant dean for academic skills at the University of California at Irvine School of Law.

Though she is not in favor of the Kaplan bridge plans, she says the NextGen exam would increase costs for candidates, and the Nevada-style plan might have challenges scaling up the supervised practice component.

California tests the second-highest number of candidates, with 7,362 examinees for the July 2025 administration, according to the [NCBE](#), while Nevada tested 303 graduates at the same administration.

“It’s not an easy call,” Basick says.

In 2024, the cash-strapped state signed an [\\$8.25 million](#), five-year contract with Kaplan to write California’s exams that could be administered remotely.

But February 2025’s administration of the new exam experienced a host of troubles, including technical glitches and revelations that some questions written by [artificial intelligence](#) with help from nonlawyers. While Kaplan did not provide the questions created by AI, there were issues with practice questions provided to faculty, sources say, leading them to question the abilities of Kaplan, traditionally a test prep company, to write an exam.

“I’m a big believer that sunk costs should not drive this decision, and continuing to pour money into the most expensive, highest risk option makes no sense,” says Susan Smith Bakshian, the director of bar programs at the Loyola Law School at Loyola Marymount University in Los Angeles. “And that is what the Kaplan option is. It is the highest risk, and it is the most expensive.”

In August, the deans of California’s ABA-accredited law schools [wrote](#) the state bar in support of the NextGen UBE, which aims to emphasize practical skills over memorization. [Forty-eight](#) U.S. jurisdictions have committed to the NCBE’s new test and will begin using it sometime between this July and in 2028. The deans cited the ability to transfer NextGen scores to most other jurisdiction as a benefit.

One survey was emailed to 30 members of the two California state committees on Dec. 6. Nine of 13 the board of trustees and 13 of 17 of the bar examiners committee responded to the survey by Dec. 19.

A similar survey was sent on Jan. 5 with a Jan. 16 deadline to current licensees, applicants along with California bar associations and disability rights groups, asking for input on the state’s future testing protocols. All responses were anonymous.

The Recorder – January 21, 2026

[Survey Suggests California Bar Leaders Back Kaplan, Not NextGen, for Future Bar Exams](#)

By Cheryl Miller

A majority of California's state bar leaders appear opposed to adopting a multistate bar exam in future years and instead seem poised to move to a unique California-centric test.

That's the key takeaway from a [survey](#) of 22 members of the bar's Board of Trustees and Committee of Bar Examiners released in advance of a joint remote meeting Friday of the decision-making panels to discuss the survey's findings and exam options.

State bar staff queried all 30 members of the two committees as part of a broader survey of law school deans, exam applicants and legal groups about what future licensing tests should look like and how they should be administered. Nine of 13, or 69%, of trustees responded, according to bar staff. Thirteen of 17, or 76% of examiners completed the survey.

State bar staff said the decision-makers' responses were recorded anonymously and could not be attributed to individual members.

The responses also suggest that leaders want private vendor Kaplan to produce the exam's questions as a "bridge" until a final California test is developed, evaluated and launched, a process expected to take several years. The state bar in 2024 approved a five-year, \$8.25 million contract with Kaplan to write all aspects of California's exams with plans to administer them remotely.

In the wake of the state's disastrous February 2025 exam, however, the bar reverted to using NCBE's in-person, multistate exam in July.

The findings put trustees and examiners at odds with California law school deans, who last year [backed](#) a move to the National Conference of Bar Examiners' NextGen Uniform Bar Exam, particularly if it is accompanied by a California-centric component.

Deans said they had lost trust in the bar's ability to administer an exam. They also touted the ability of their graduates to transfer NextGen scores to other jurisdictions that use the exam.

Forty-seven jurisdictions in the United States have announced they will begin using the NextGen test sometime between its debut in July and 2028.

The bar decision-makers' views appear more in line, however, with the views of some attorney organizations. In a letter prepared for the state bar and the California Supreme Court, the Los Angeles County Bar Association cited the ongoing costs of the Kaplan contract and applicants' preference for remote testing among the reasons for rejecting the NextGen exam.

"It would be financially imprudent for the state bar to continue to pay for the contract with Kaplan, purchase an entirely new and expensive exam such as the NextGen exam,

plus additional future costs in abandoning a remote exam,” LACBA president Jeffrey Margulies wrote. Several dozen regional and specialty bar associations also signed on to the letter.

The NCBE is scheduled to administer its current Multistate Bar Exam for the last time in February 2028, requiring jurisdictions to start using the NextGen test in July 2028 or to find an alternative. State law requires California’s state bar to give law schools and the public two years’ notice before launching a new bar exam, a mandate that will force bar leaders to agree on a new format in the coming months.

The Recorder – January 12, 2026

[California State Bar Surveys Attorneys—and Its Own Leaders—About Future Bar Exams](#)

By: Cheryl Miller

California’s state bar has surveyed a broad range of attorney associations, law students, disability rights advocates and its own leaders about their preferences for the format of future bar exams as the agency faces a decision-making deadline.

Those who received surveys this month include members of the bar’s Board of Trustees and Committee of Bar Examiners. The two panels will ultimately vote publicly to recommend to the California Supreme Court whether the state should push ahead with plans to develop its own test, to administer the National Conference of Bar Examiners’ assessment or to adopt some hybrid exam format.

State bar spokesperson Rick Coca provided an email “attributable to the state bar” that said staff surveyed the trustees and bar examiners “to assist staff in developing material to assist the Board and CBE to engage in a robust discussion on the future of the bar exam” at a joint meeting scheduled for Jan. 23. Bar leaders declined to immediately make public the decision-makers’ responses.

“The results of the Board/CBE survey will be posted and shared as part of the Board/CBE joint meeting agenda,” Coca said. “Key findings from the other surveys will also be posted.”

State Bar leaders and the state Supreme Court must decide soon what future exams will look like and how they will be administered. The high court in October 2024 approved a plan to create a unique California-centric test that applicants could take remotely.

Though the court's order remains in effect, trustees and bar examiners are reconsidering the plan in the wake of the disastrous February 2025 exam.

California's bar reverted, at least temporarily, to using the NCBE's Multistate Bar Exam in July 2025. But the NCBE is scrapping that test format after February 2028 in favor of its new NextGen Uniform Bar Exam.

With a new state law requiring California's bar to give two years' notice before administering a new licensing exam, officials must decide soon what July 2028 exam they will offer.

Deans of California law schools last year endorsed use of the NextGen test, expressing a lack of confidence in the bar's ability to administer its own exam after what happened in February 2025. In a meeting last month, trustees publicly discussed options but did not reach a decision.

A bar statement provided by Coca said that bar staff, Board of Trustees Chair José Cisneros and trustee Mattheus Stephens subsequently decided to circulate surveys on Jan. 5 about future tests to current and prospective applicants, an unknown number of bar associations and attorney organizations, disability rights advocates and licensees as well as trustees and bar examiners.

The surveys ask respondents for their views on how the bar should develop a future exam and what any California-specific test should assess. Respondents were also asked to rank assorted options for a test, including whether questions written by the bar's vendor, Kaplan, or the NCBE should be used.

The surveys promise respondents—except bar trustees and examiners—confidentiality.

The agenda for the joint meeting of the bar's Board of Trustees and Committee of Bar Examiners has not yet been posted. Materials for such meetings are typically made public in the days just before.

The Future of the California Bar Exam

California needs a bar exam that is valid, reliable, and fair. Maintaining access to the profession is especially important in a society marked by increasing income inequality. Research documents that the current bar exam is a test of financial means. The NextGen exam will exacerbate—rather than reduce—the advantages given to economically privileged candidates. Nevada has developed an alternative that addresses those inequities and better tests the knowledge and skills that new lawyers use in practice.

Concerns about the NextGen Exam

- NCBE has steadily added material to the exam.
 - The exam will now require as much, or more, unproductive memorization than current bar exams.
- NCBE has cut the exam time by 25% -- from 12 hours to 9 hours.
 - NextGen will be even more speeded than current bar exams. That reduces the exam's validity.
 - Speededness also increases accommodation requests, producing burdens for candidates and the State Bar.
 - And research shows that candidates from wealthy, privileged backgrounds are more likely to request and receive accommodations.
- NextGen dramatically reduces the amount of the exam devoted to writing: Just 2-1/2 hours, compared to 6-1/2 hours on the current CA exam. This reduces validity.
- Increased memorization and speededness will require candidates to devote even more time and money to bar preparation.
 - This will affect the courses students choose in law school.
 - It will also raise barriers to entry in a profession that already has trouble attracting students from non-elite backgrounds.
- NextGen will be administered in large convention centers, using a cloud-based platform.
 - The State Bar will continue to shoulder these high costs, possibly passing them on to candidates. Candidates will also pay for travel and accommodations.
 - These convention centers may lack the internet capacity required for NextGen.

A Modified Nevada Plan is a better option for California

- Nevada divides its exam into two components:
 - A 4-hour multiple-choice test administered 4 times a year in test centers.
 - A 6-hour lawyering performance exam consisting of three 2-hour performance tests.
- California does **not** need to adopt Nevada's supervised practice requirement.
 - The two exam components on their own are more valid and reliable than NextGen.
- This staged exam solves California's administration challenge. It is fully scalable.
 - Test centers have sufficient capacity to administer the multiple-choice test.

- The one-day performance exam can be administered at test centers or in convention halls. The technology demands are the same as the current bar exam.
- The staged exam is pedagogically sound.
 - Test-takers may begin taking the multiple-choice exam halfway through law school.
 - That timing reinforces understanding of foundational concepts.
 - The exam will not interfere with law school classes. On the contrary, the exam reinforces knowledge of first-year, foundational concepts to support upper-level classes.
 - The number of rules to be learned is comparable to the material covered on the MPRE.
- The 6-hour performance exam preserves the importance of written communication and synthesis of legal materials.
- The staged exam reduces speededness.
 - Test-takers receive 4 hours (rather than 3) for 100 multiple-choice questions.
 - Test-takers receive 2 hours (rather than 1 hour) for each performance test.
- The exam will reduce—or eliminate—the economic burdens of bar prep.
 - Material is tested closer to the time when it is learned in law school.
 - Nevada has published all the rules that test-takers need to know.
 - Candidates do not need to drill for a speeded exam.

Nevada’s Multiple-Choice Exam is ready for adoption

- The exam tests federal/national law, not Nevada law.
- National subject matter experts are writing questions under the direction of Joan Howarth and Debby Merritt, with financial support from AccessLex.
 - The development process is more rigorous than processes used by NCBE, Kaplan, or other test-makers.
- Full question bank (800-1,000 questions) will be available by fall 2027.
 - 210 questions have already been pretested and are ready for use in May 2026.
 - Pretest of those questions produced impressive psychometric results.
 - Questions have strong focus on knowledge and reasoning, with less construct irrelevant variance.

California can readily create a better exam than NextGen

- California can license Nevada’s questions for less than it will pay for NextGen.
- California can create its own lawyering performance exam: It is a national leader in creating and grading performance tests.
- California can test California law on its performance tests.
- By creating its own two-stage exam, California avoids relinquishing control to NCBE.

By 2028, California could have an exam that is more valid, fair, and reliable than NextGen.

Statement by Mark Toney, Vice–Chair of State Bar Board of Trustees

Joint Board of Trustees–Committee of Bar Examiners Meeting

Remote Meeting • March 13, 2026

Appreciate Everyone who has Presented Comments, Including

— **Gil Peles**, LA County Bar Association, and 62 Bar Associations that represent counties from across the state, prominent diverse minority bar associations, LGBTQ+ bar associations, and plaintiff and defense counsel in many practice areas for submitting comment in support of committing to developing a California Bar Exam, using the Kaplan developed questions in a remote exam setting as a bridge.

— **Viviana Garcia–Barnwell**, for organizing a joint letter signed by DEAR–Disabilities Education Accessibility Resources, All Things Disability, Cal-TASH, College of Adaptive Arts, and Spire Autism to advocate for properly administered remote testing to increase accessibility and eliminate barriers for disabled exam takers.

— **Julian Sarkar**, for submitting comments supporting using Kaplan to offer remote exams and flexible testing options.

— **Benjamin Kohn**, for pointing out concerns that NextGen Exam fails to adequately offer acceptable accommodations to test takers who require accommodations in order to be test on a level playing field with other applicants.

— **Ray Hayden** for providing an assessment of other professions who utilize remote testing options to grant licenses to their applicants.

Key Results of Surveys

<u>Remote Administration</u>	<u>Extreme/Very Important</u>	<u>Extreme/Very Unimportant</u>
— 1,652 Prospective (p 100)	59%	22%
— Unaccredited Law Deans (p 62)	57%	28%
— CALS Law Deans (p 61)	46%	13%
— 12,123 Licensees (p 77)	13%	66%
— ABA Law Deans (p 60)	12%	83%

<u>Testing Frequency</u>	<u>Extreme/Very Important</u>	<u>Extreme/Very Unimportant</u>
— 1,652 Prospective (p 100)	74%	9%
— Unaccredited Law Deans (p 62)	71%	14%
— ABA Law Deans (p 60)	24%	58%
— CALS Law Deans (p 61)	20%	40%
— 12,123 Licensees (p 77)	14%	40%

Assessment/Knowledge

<u>Entry Level Cal Practice</u>	<u>Extreme/Very Important</u>	<u>Extreme/Very Unimportant</u>
— 12,123 Licensees (p 77)	86%	4%
— Unaccredited Law Deans (p 62)	86%	0%
— ABA Law Deans (p 60)	82%	6%
— CALS Law Deans (p 61)	80%	7%
— 1,652 Prospective (p 100)	61%	12%

Chief Justice Guerrero Annual Press Conference • Press Highlights

Daily Journal – January 29, 2026

[Chief justice says ICE activity, Racial Justice Act backlog and bar exam woes top court concerns](#)

By: Malcolm Maclachlan

Finally, Guerrero addressed the "fiasco" of the February Bar Exam and reports the bar is still exploring adding a California-specific portion to the test.

The Recorder – January 29, 2026

[Calif. Chief Justice Calls for Limits on ICE in Courthouses, More Opinions from State High Court](#)

By: Cheryl Miller

On the debate over what California’s future bar exam should look like, Guerrero said that while she wants to see what state bar leaders recommend, she feels “more comfortable” with the National Conference of Bar Examiners’ NextGen exam. “It just seems like the NextGen, they’re doing a good job,” Guerrero said of the test that 48 jurisdictions have announced they will use. “I’m not saying that the other alternative is off the table. But you ask what I feel about the NextGen and from what I have heard others, what I’ve seen, they’re doing a good job.”

Bloomberg Law – January 29, 2026

[California Top Justice Pushes Court Access as ICE Activity Grows; State Bar Fiasco](#)

By: Quinn Wilson

“Everyone has a different role to play, but we’re trying to ensure that we’re on the right track for the purposes of the students and the public,” Guerrero said.

Guerrero highlighted that California-specific exams could offer remote opportunities for test takers, which weren’t available under the “NextGen approach.”

However, in the debate that has [left bar leaders deeply divided](#), Guerrero cast her vote: “I feel more comfortable, just personally, with the NextGen format after having gone through the February fiasco,” Guerrero said.

EXHIBIT 21



The State Bar of California

**OPEN SESSION
AGENDA ITEM
4.7 APRIL 2026
COMMITTEE OF BAR EXAMINERS**

DATE: April 17, 2026

TO: Members, Committee of Bar Examiners

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

SUBJECT: Adoption of the Risk-Benefit Analysis of Bar Exam Options, as Required by California Rule of Court 9.6(b), Including Reporting on Cost and Efficiency as Required by Business and Professions Code § 6046.2; Action on Final Recommendation to the Board of Trustees and the California Supreme Court on the Bar Exam Starting in 2028

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 Board of Trustees, the Committee of Bar Examiners (CBE), and the California Supreme Court are revisiting the analysis of what type of bar exam should be administered in California in 2028 and beyond. This discussion began with the Board's adoption on May 22, 2025, of guiding principles it wanted to take into consideration in developing recommendations for the future bar exam. Those same guiding principles were later adopted by the CBE with one addition.

The Board and the CBE are tasked with recommending to the Court whether to continue on the path outlined in the Court's October 10, 2024, order, or to forge a different path. Although the lessons learned from the experience with the February 2025 bar exam were the driving force for this current re-evaluation, there is considerably more information known about the NextGen Uniform Bar Exam (UBE) today than there was in 2024 when the Court directed a new California exam.

To assist the Board and the CBE in developing a final recommendation, staff presented three broad options for the future bar exam at the August 14, 2025, joint meeting of the Board and

the CBE. Additional data and information were developed, refined, and discussed at the October 10, 2025, CBE meeting, the November 20, 2025, Board meeting, the December 5, 2025, CBE meeting, and the January 23, 2026, joint meeting of the Board and the CBE. By the January joint meeting, the number of options expanded from three to eight, having been broken down with greater granularity. At that meeting, the CBE recommended pursuing the NextGen UBE, without a California component. The Board, not ready to narrow down to a single option, directed staff to further explore two options, adding the following option to the CBE's recommendation: use of questions developed under contract with Kaplan while additional data is gathered (discussed more fully in the Discussion section, below). The CBE's Subcommittee on Examination Development reviewed a preliminary draft of the Risk-Benefit Analysis at its February 20, 2026, meeting.

After incorporating the subcommittee's feedback, a more complete draft was discussed at the March 13, 2026, joint meeting of the Board and the CBE. Feedback from the joint meeting has been incorporated into the analysis, and the CBE is asked today to adopt the final Risk-Benefit Analysis and, based on that analysis, adopt its final recommendation for the Board's and the Court's consideration for the future bar exam.

RECOMMENDED ACTION

Staff recommends that the CBE adopt the attached report, Exploring Options for the Future Bar Examination in California: A Risk-Benefit Analysis (Risk-Benefit Analysis) required under California Rule of Court 9.6(b), which also serves as the report required by Business and Professions Code section 6046.2 on whether adopting a uniform bar exam is more efficient and lower cost. (See Attachment A)

Staff also recommends that, based on its review of the Risk-Benefit Analysis, the CBE adopt a final recommendation for transmission to the Board of Trustees and the Supreme Court on the bar exam to be administered starting in 2028.¹

DISCUSSION

In late 2020, the Court adopted the charter for the joint California Supreme Court/State Bar Blue Ribbon Commission on the Future of the California Bar Exam (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 [examinees²] are prepared to practice law

¹ The resolutions set forth at the end of this staff report include a presumption that the CBE may be inclined to adopt the same option for the future bar exam as the CBE adopted at the joint meeting in January 2026. The CBE is not required to make the same recommendation; as is always the case, the CBE is free to modify the resolution as it deems appropriate.

² The State Bar tends to use the terms examinee, applicant, and test taker interchangeably. Rule 9.6(b) of the California Rules of Court, which directs the development of the risk-benefit analysis, uses the term examinee. For consistency, that is the term used throughout this staff report and the risk-benefit analysis included as Attachment A.

ethically and competently at a level appropriate for an entry-level attorney.” More specifically, the BRC was asked to consider:

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

The final BRC report was submitted to the Court in June 2023. On October 10, 2024, [Supreme Court issued an order](#) adopting many of the BRC’s recommendations, and modifying others. The Court directed the State Bar to develop a new California exam. Relevant components of the Court’s order are described later in this Discussion section.

Efforts to implement the Court’s order had only just begun when the February 2025 bar exam was administered. As described in the State Bar’s First Amended Complaint in *The State Bar of California v. ProctorU, Inc. d/b/a Meazure Learning*, Meazure Learning’s administration of the February 2025 bar exam delivered chaos. “Remote and in-person [examinees] could not enter Meazure’s platform without significant delays, and once they were in the platform (if they were able to enter the platform at all), they often were unable to submit responses, and experienced frequent crashing and freezing. Once (and if) [examinees] were able to access Meazure’s testing platform, many were unable to use basic word processing and document review tools that Meazure had repeatedly represented would be functional. [Examinees] reported that copy and paste, highlighting, and annotation functions did not work. Even basic typing exhibited significant lags, and [examinees’] screens scrolled on their own, without prompting. Proctors were incapable of helping [examinees] and appeared insufficiently trained to administer the Bar Exam. Meazure’s faulty testing platform and its poor administration of the Bar Exam wreaked havoc at an already stressful time for [examinees].”

In addition to these significant and widespread problems with the delivery of the exam by Meazure Learning, there were also criticisms of the content of the questions in the published study guides and in the exam questions delivered to examinees. Concerns with the content validation process led to the development of new policies for the recruitment and selection of content validation panelists and the creation of a separate review process by subject matter experts. The State Bar’s decision to use and not disclose the use of artificial intelligence to create 29 multiple-choice questions (MCQs) also was the subject of considerable consternation.

As a result of these experiences and the impact on the State Bar and examinees, the Board, the CBE, and the California Supreme Court are revisiting the analysis of what type of bar exam should be administered in 2028 and beyond. This discussion began with the Board’s adoption, on May 22, 2025, of guiding principles it wanted to take into consideration in developing recommendations for the future bar exam. Those same guiding principles were later adopted by the CBE, with one addition.

The Board and the CBE are tasked with recommending to the Court whether to continue on the path outlined in the Court's October 10, 2024, order, or to forge a different path. Although the lessons learned from the experience with the February 2025 bar exam were the driving force for this current re-evaluation, there is considerably more information known about the NextGen UBE today than there was in 2024 when the Court directed a new California exam in lieu of adoption of the NextGen UBE.

After reviewing an extensive amount of material, receiving feedback from key stakeholders, and having discussions with experts, the Board and the CBE carefully evaluated eight options for the future bar exam to be administered in California. These eight options fall under two main categories, a new California Bar Exam, and Adoption of the NextGen UBE.

- **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 (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).
- 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 PTs.

- **Adoption of the NextGen UBE**

- With a California-specific component.
- Without a California-specific component.

At the January 23, 2026, joint meeting of the Board and the CBE, CBE recommended adoption of the NextGen UBE without a California-specific component. 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 (Adopt NextGen UBE)

Under this approach, the State Bar would purchase the 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 in-person 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 (Use of Kaplan)

Under this approach, the State Bar would continue administering an exam with multiple-choice, essay, and PT 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 option 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 whether 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 additional information necessary to guide its future decision.

With this option, a final decision would be delayed until at least July 2029. If the NextGen UBE is adopted at that time (or the Nevada model), following the statutorily required notice, the earliest the exam could first be administered is July 2031.

Neither option precludes California from making a decision at some point in the future to develop its own exam.

The Risk-Benefit Analysis, included as Attachment A, analyzes those two options.

DESCRIPTION OF EXAM FORMATS

Although this information has been presented in prior reports to the Board and the CBE, this staff report provides reminders about key elements of the different options.

Use of Kaplan

This option is a continuation of the exam as it is administered today, in-person with the same format and content, just substituting in Kaplan as the source for content development. Today, the source for the multiple-choice questions is the NCBE. California has been using the NCBE’s Multistate Bar Exam (MBE) for the multiple-choice section of the bar exam since 1972. Prior to the contract with Kaplan, the State Bar sourced essay questions from law school professors across the country. The essays were put into the exam item bank until a member of the Exam Development and Grading Team selected the question for review. The PT questions are drafted by the three-member Performance Test Drafting Team. The State Bar’s contract with Kaplan

calls for Kaplan to develop the essays and PTs. Kaplan began delivery of these items on schedule in August 2025. As the Board and the CBE are aware, Kaplan-developed MCQs were tested during the February 2025 bar exam.⁵ Statistics showed high reliability and strong performance of the questions and validity of the exam.

Nonetheless, the State Bar has added significant rigor to the content validation process to ensure that all items are reviewed so they appropriately test for minimum competence, are free from bias, are consistent, and are legally accurate. The content validation panels and subject matter experts reviewing the essays and MCQs were selected pursuant to the policies adopted by the CBE and approved by the Court in December 2025. The PT questions will be reviewed by the Performance Test Drafting Team.

Format of the exam

Day 1 (written sessions): Five one-hour essay questions and one 90-minute PT. The essays and PT are administered in two sessions: The morning session consists of a three-hour session for essays 1, 2, and 3. The afternoon session consists of a three-and-a-half-hour session for essays 4 and 5 and the PT. Examinees can answer the questions in each session in any order they prefer. Although each essay is designed to be completed in one hour, and the PT is designed to be completed in 90 minutes, examinees may allocate their time within each session as they see fit.

Day 2 (MBE sessions): 200 multiple-choice questions administered in two three-hour sessions covering 100 questions each. Examinees cannot return to the first set of 100 questions during the second MBE session.

The essays and PT are scored in five-point increments, on a scale of 40 to 100. To earn a grade of 40, the examinee must at least identify the subject of the question and attempt to apply the law to the facts of the question. If these criteria are not met, the answer is assigned a score of 0. The written section has a maximum of 700 points. Each of the five essay questions could earn up to 100 raw points. The raw score PT, which is scored on the same 40 – 100-point scale, is doubled.

The written section and MBE are equally weighted; each is worth 50 percent of the total score.

Adopt NextGen UBE

According to the NCBE, the NextGen UBE “will test a broad range of foundational lawyering skills, utilizing a focused set of clearly identified fundamental legal concepts and principles needed in today’s practice of law. Designed to balance the skills and knowledge needed in litigation and transactional legal practice, the exam will reflect many of the key changes that law schools are making today, building on the successes of clinical legal education programs, alternative dispute resolution programs, and legal writing and analysis programs.”

⁵ As previously reported, of the 200 questions tested, 117 were developed by Kaplan, 54 were unused questions from the First Year Law Students’ Exam item bank, and 29 were developed by ACS Ventures using artificial intelligence.

From July 2026 through February 2028, the NextGen UBE will test the following:

- Foundational concepts and principles: business associations and relationships, civil procedure, constitutional law, contract law, criminal law and constitutional protections of accused persons, evidence, real property, and torts.
- Foundational lawyering skills: legal research, legal writing, issue spotting and analysis, investigation and evaluation, client counseling and advising, negotiation and dispute resolution, client relationship and management. (See comparison chart, *infra*.)

“Other areas of legal knowledge will also appear on the NextGen UBE to provide the context for testing one or more foundational lawyering skills, but examinees are not expected or required to develop a base of knowledge in those areas. For those questions, examinees will be provided with the necessary legal resources (e.g., statutes, regulations, and case law) to demonstrate the skills being tested. From July 2026 through February 2028, family law and trusts and estates will appear in these skills-focused questions on every exam.” Family law will be added to the foundational concepts and principles being tested effective with the July 2028 administration.

Format of the exam

The NextGen UBE will be administered over one and one-half days, with two three-hour sessions on day one and one three-hour session on day two.

Each NextGen exam section contains a combination of standalone multiple-choice questions, integrated question sets, and performance tasks. In each three-hour section, the questions will be arranged in the following order (but may be answered in any order selected by the examinee, and they may allot their time as they deem appropriate):

- 40 standalone multiple-choice questions
 - Either select one response from four options or two responses from six options (with partial credit available for questions requesting 2 responses)
 - Questions are independent from each other; the answer for any one does not rely on information from any other question
 - 49 percent of the overall score
 - Estimated time required: 1.8 minutes per question or 72 minutes for each three-hour session
- Two integrated question sets
 - Based on a common fact scenario, an integrated question set may appear in one of two formats
 - Drafting sets contain medium-answer questions
 - Counseling sets contain multiple-choice and short-answer questions
 - Require examinees to demonstrate their ability to use the foundational skills in realistic situations, completing tasks that a beginning lawyer should be able to accomplish
 - May feature areas of doctrinal law, with accompanying legal resources
 - Partial credit available for short- and medium-answer responses and for select-two multiple-choice questions
 - 21 percent of the overall score

- Estimated time required: 24 minutes per question set or 48 minutes for each three-hour session)
- One performance task
 - May appear in one of two formats
 - Standard performance tasks focus on a single, longer writing assignment
 - Legal research performance tasks include several multiple-choice and short-answer questions, followed by a medium-answer writing assignment
 - Require examinees to demonstrate their ability in foundational skills in realistic situations, completing tasks that a beginning lawyer should be able to accomplish
 - Legal resources, in the form of a case file and library, are provided o Partial credit available for short-, medium-, and longer-answer responses and for select-two multiple-choice questions
 - 30 percent of the overall score
 - Estimated time required: 60 minutes for each 3-hour session

Subject Matter Tested

The following comparison was presented to the CBE and the Board as they were considering different options for the future bar exam. The chart reflects the subject areas tested on the current exam, the subject areas that would be tested on the new California exam directed by the Court’s October 10, 2024, order, and the NextGen UBE. The chart demonstrates significant overlap between the exams.

Current Exam	New Exam (as originally directed by the Supreme Court)	NextGen UBE
Civil Procedure*	Civil Procedure	Civil Procedure
Constitutional Law*	Constitutional Law	Constitutional Law
Contracts*	Contracts	Contracts
Criminal Law and Procedure*	Criminal Law and Procedure	Criminal Law and Constitutional Protections
Evidence*	Evidence	Evidence
Real Property*	Real Property	Real Property
Torts*	Torts	Torts
Community Property	Family Law	Family Law (starting 7/28)
Differences Begin Here		
Business Associations		Business Associations
	Administrative Law and Procedure	
	Employment Law	
Trusts		Trusts and Estates (in skills questions)

Wills and Succession	Estate Planning, Trusts, and Probate	Trusts and Estates (in skills questions)
Professional Responsibility	Professional Responsibility	Professional Responsibility
Remedies		

*Also tested on the Multistate Bar Exam, multiple-choice segment of the exam.

The MBE tests legal theories and principles of general application in the seven content areas. The essays also test legal theories and principles of general application in all of the thirteen content areas. In addition, California law is tested on essays in the following areas: civil procedure, community property, evidence, professional responsibility, and wills and succession.

The Court order directed that the new exam cover legal theories and principles of general application, including law applicable throughout the United States as well as California. The Court did not specify which content areas should test California law and which only laws of general application.

Skills and Abilities Tested

There is also significant overlap in the skills and abilities to be tested under the new California bar exam directed by the Court’s October 10, 2024, order, and the NextGen UBE.

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

UPDATED INFORMATION

At the March 13, 2026, joint meeting, the Board and the CBE asked that the draft Risk-Benefit Analysis be revised to include additional information or that additional information be provided to the Board and the CBE to assist in their decision making. In addition, staff noted areas that were still in development. This section of the staff report provides relevant updates on those issues.

Availability of Remote Administration for Both Options

Under both options, the State Bar would remain responsible for evaluating requests for testing accommodations. Pursuant to State Bar Rule 4.80(A), “A ‘disability’ is a physical or mental impairment that limits one or more of an examinee’s major life activities as compared to most people in the general population.” The State Bar provides testing accommodations to ensure that examinees with disabilities can access the exam and are afforded an equal opportunity to obtain the same results, gain the same benefits, or reach the same level of achievement as

others. Examinees with disabilities are granted reasonable testing accommodations provided that they establish to the satisfaction of the State Bar that the examinee has a disability and needs the requested testing accommodations to have equal access to the exam.

To request testing accommodations for a State Bar-administered exam, examinees must submit a request on the required State Bar form. They are permitted to submit additional documentation in support of their request. The documentation must demonstrate the examinee's disability-related functional limitations, their specific access needs, and how those needs relate to the requested testing accommodations. Each matter is evaluated and decided on a case-by-case basis.

The NextGen UBE is not currently administered remotely. As communicated to State Bar staff, the NCBE believes that remote administration of the exam poses too great a risk to the security of the exam at this time. At this time, the State Bar is also not prepared to confirm that remote administration would be available even under Option 1. If an examinee establishes that their disability-related functional limitations require that no other individual is in the room with them, the State Bar can provide proctoring that does not require direct contact with the examinee. Under the law, the State Bar is not required to provide accommodations that fundamentally alter the nature of the exam, and this is true whether the exam is the NextGen exam or an exam using the Kaplan-developed questions.

This information has been incorporated into the Risk-Benefit Analysis.

Design of NextGen UBE

As noted in the March 13, 2026, staff report, the delivery platform for the NextGen UBE was purpose-built, with NCBE leading the design of both the user interface and underlying system architecture. This approach was intentional. The goal wasn't to digitize an existing exam, but to develop a platform that supports the types of tasks and interactions required for a modern, skills-based assessment.

Developing this platform required significant investment and expansion of NCBE's internal capabilities, including the addition of expertise in user experience design, human-computer interaction (HCI), and digital assessment delivery. HCI was central to the design approach. The interface was treated as an active component of the measurement system, one that directly influences how examinees access, process, and respond to test content.

This work was grounded in a core psychometric principle: variability in performance should reflect differences in the construct being measured, not differences in how individuals interact with the testing platform. Poorly designed interfaces introduce construct-irrelevant variance by increasing cognitive load, creating navigation barriers, or requiring examinees to adapt to unfamiliar interaction patterns. NCBE's HCI approach was explicitly designed to minimize these sources of error.

As a result, the platform was designed to align closely with authentic legal work. This includes how examinees read and synthesize information across documents, shift between sources and

response areas, and use tools such as highlighting, annotation, and split-screen views to support reasoning. These interaction patterns were intentionally designed to support the cognitive processes the exam seeks to measure.

From the outset, the design priority was to reduce construct-irrelevant friction. The interface was intentionally clean, intuitive, and unobtrusive, allowing examinees to focus on the substance of the tasks rather than the mechanics of the platform. Accessibility was also a core requirement. NCBE engaged an independent third party to evaluate platform accessibility, including features such as speech-to-text, text-to-speech, and stop-the-clock break functionality, and aligned the platform with WCAG standards.

The platform design was further informed through iterative pilot testing and the January 2026 beta administration. These efforts provided both behavioral data (e.g., how examinees navigated the interface and used available tools) and direct user feedback. This evidence was used to refine both the platform and the supporting materials provided to candidates. For example, patterns in how examinees used highlighting and color-coding tools informed how those features are introduced and emphasized in the exam tutorial, helping candidates develop effective interaction strategies prior to test day.

This information has not been included in the Risk-Benefit Analysis.

Performance on the NextGen UBE Beta Test

On March 11, 2026, NCBE published [NextGen UBE Beta Test: Report on End-to-End Ecosystem Performance](#). The report notes that “[a]cross the full exam lifecycle—including candidate readiness, exam delivery, response capture, grading workflows, and score reporting—core systems and operational processes functioned as designed. The Jurisdiction Portal, Candidate Portal, ITS Exam Day Portal, and secure delivery platform supported coordinated administration, real-time monitoring, and successful capture and transmission of examinee responses. Backup device workflows response preservation mechanisms, and escalation protocols functioned effectively when isolated disruptions occurred, allowing examinees to continue testing without loss of responses.”

Key findings as set forth in the report include:

- Examinees reported that the exam platform felt intuitive and easy to use and described the assessment as practical, professionally relevant, and reflective of legal reasoning and task-based judgment.
- The Candidate Portal supported candidate awareness, reduced uncertainty prior to test day, and contributed to a structured and predictable readiness experience.
- There were no system-level technical failures that interfered with exam delivery. No examinee was unable to complete testing due to platform instability or delivery failure.
- Although NCBE provisioned backup devices for approximately 10 percent of the testing population only 2.6 percent required a backup device on Day 1, and 1.6 percent on Day 2. In each instance, examinees were able to resume testing and complete exam sections successfully without loss of responses.
- All accommodations capabilities functioned as intended and were very well received by

examinees.

- Exam delivery systems successfully captured and transmitted examinee responses throughout the beta administration, even when offline. All data were uploaded successfully.
- 88.2 percent of graders stated that the scoring guide materials were adequate to support scoring, and 84.3 percent indicated that the training set prepared them to apply scoring criteria effectively. Additionally, 82.4 percent rated the rubric as highly helpful, and 81.4 percent reported that grading notes and benchmark responses were highly helpful in supporting consistent application of scoring standards. With respect to calibration, 72.5 percent of graders reported that ongoing calibration activities were sufficient to help maintain alignment with scoring expectations.
- Examinees described the NextGen UBE beta as a modern testing experience that felt usable, professionally relevant, and easier to navigate than many high-stakes exam environments. Overall sentiment was strongly positive. Approximately 76 percent of examinees rated their experience as very good or excellent, while only a small percentage reported a negative experience.
- Many examinees emphasized that the exam rewarded applied reasoning and task-based judgment rather than memorization, and that it felt closer to professional work than traditional formats.
- More than 92 percent of examinees reported that the platform was intuitive and easy to use, and more than 94 percent reported that exam materials were comfortable and easy to read. Examinees frequently described the platform as stable, clear, and responsive.
- Many noted that organization and interface design improved efficiency and reduced friction under timed conditions.
- Multiple-choice items were generally perceived as clear and aligned with applied legal reasoning. Examinees frequently noted that questions required analysis rather than rote recall and that the difficulty felt appropriate to a licensing exam context.
- Drafting and counseling question sets – also referred to as the integrated question sets - were consistently described as relevant to entry level practice because they required examinees to apply legal knowledge in context and communicate clearly.
- Examinees generally perceived the content as rigorous, relevant, and aligned with expectations of professional legal practice. Approximately 70 percent agreed that the exam fairly assessed minimum competence, indicating broad examinee confidence in the exam’s purpose and content design.
- Consistent with the purpose of beta administration, the process also identified targeted opportunities for refinement, including enhancements to administrative reporting functionality, workflow visibility, user interface efficiency, and training and guidance materials.

This information has been incorporated into the Risk-Benefit Analysis.

Grading: Impressions of Beta Graders

CBE member Juliane Smith asked for more information about the survey results from the graders for the NextGen Beta test. In addition to speaking with NCBE, and reviewing the report of the beta test linked in the preceding section, staff met with a dozen California graders who graded the NextGen beta exam.

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

- **Training:** California graders commented that the online self-guided training and the lack of interaction with NCBE made it a little difficult to get comfortable with the platform and the question types and rubrics immediately. NCBE informed us that for the actual exams, grader training would be live and more robust.
 - About 6 weeks before each exam anyone who has not graded a NextGen UBE exam (not including beta) will take an online "New to NextGen" training. The training will walk the graders through the different question types. As part of that, graders will be asked about the type of questions they prefer to grade. That information will be used to assign graders to questions to grade.
 - Once the exam is administered, there will be live (via Zoom) workshops going through each of the questions tested – including review of the scoring guide, rubric, grading notes, and exemplars of responses at each score point. Graders will be given training papers to practice on for the questions they are assigned to.
- **Rubrics:** California graders and others commented on the rigidity of the scoring rubrics. They noted that with the current exam and grading structure, they can award points to examinees who clearly understand the issue being tested but may not use the proper terminology. The rubric felt as if the examinee needed to "use the magic words" to get credit. Other beta graders expressed similar concerns about the rubrics. As a result, they are being revised to be broader so there is more room for interpretation. The revisions will ensure that graders are grading on the application of the skills being tested and not memorization of the terminology.
- **Calibration/Adjudication:** NCBE tested two different grading approaches with beta to implement the requirement that every question be read/graded twice.
 - The first—the reconciliation approach—requires graders assigned to the same question to be grading at roughly the same pace. If the grades assigned to an examinees' response are outside the set tolerance band, then the graders need to meet to reconcile their answers and come up with an agreed upon grade. (If score differences are within the tolerance band, scores are averaged.) The processes and system functionality that would have kept graders at the same pace were not deployed for beta, and thus graders assigned to this approach experienced issues with pacing and allocation of the responses to grade.
 - The second—the team leader approach—would assign a team leader, who would grade a much smaller number of responses than others on the team, but would also have responsibility for determining the final grade if the two graders' scores fell outside the set tolerance band. (If score differences are within the tolerance

band, scores are averaged.) This approach is more likely to make sense for a jurisdiction with the volume of examinees that California has.

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

This information was not incorporated into the Risk-Benefit Analysis.

Grading: Costs

At the March 2026 joint meeting of the Board and the CBE, staff noted that more information was still required to assess grading costs for the NextGen UBE in light of NCBE's requirement that every question be graded by two graders. Currently only between 9 and 11 percent of California examinees have their answers go through a second read. The additional information is incorporated in the cost analysis set forth in Table 9 in the Risk-Benefit Analysis. The rationale behind the numbers is as follows.

Under the current grading system, graders receive a base preparation fee of \$725 for drafting legal analysis materials and attending three calibration sessions. To encourage retention and experience, this fee increases on a sliding scale for graders who participate in consecutive exams, ranging from \$825 to \$1,100 for long-serving graders. The more graders assigned to each question panel, the higher the overall preparation costs for that exam. In addition to preparation fees, graders are paid \$4 for each essay or PT they grade. The total cost of grading increases with the number of grading phases. With the NextGen UBE the grader estimation tool developed by NCBE indicates that the number of graders California would remain relatively unchanged, with each grader having fewer hours of grading than is expected currently. (The number of graders could be reduced if the expected grading hours were maintained.) Additionally, graders would no longer be required to draft legal analysis materials, and the number of calibration sessions would likely decrease. Although the precise formula for grader pay would still need to be determined, this analysis suggests a reduction of about 25 percent of

the grading hours. For purposes of this analysis, to account for the required training in lieu of the development of legal materials, a reduction of 15 percent of the grading costs is applied.

Fees for NextGen UBE

Staff reported in March 2026 that the fee for the NextGen UBE was set at \$145 per examinee through the July 2028 administration, but that future amounts had not yet been determined. NCBE has since provided this update: Fees for the current UBE go up every three or four years. The expectation is the fees for the NextGen UBE would rise on a similar schedule, but NCBE does not expect more than a modest increase.⁷ They noted their expectation that the fee amount would be fairly stable. The March 2026 report did note that the technology fee that NCBE charges directly to examinees, currently set at \$149 per examinee, is expected to decrease after July 2028. The technology fee covers the cost of tech proctors provided at exam sites at a rate of 1 per 100 examinees and the cost of backup laptops at a rate of 10 per 100 examinees. The experience at the beta test suggests that significantly fewer backup laptops or tech proctors will be required, resulting in a reduction of the technology fee.

This information has been incorporated into the Risk-Benefit Analysis.

Number of Exams Kaplan MCQs Will Yield

Because the use of Kaplan option relies on the use of the Kaplan-developed questions through July 2031 at a minimum, and potentially longer depending on which long-term option is selected in 2029 after review of the technology and exam performance, a question was raised at the March 2026 joint meeting about the number of exams the MCQs developed under the current contract with Kaplan would support. According to an analysis by ACS Ventures, which performs psychometric services for California's bar exams, based on the number of MCQs being developed by Kaplan and the current content maps outlining the topics and subtopics to be tested on each exam, we can expect 9–11 unique test forms from the total number of MCQs being developed (assuming all questions remain in the bank after review by the content validation panels and subject matter experts). Mixing those items up across test forms will provide 4 – 5 times that number of forms, or between 36 and 55 forms. This would certainly be sufficient for a twice per year administration of the bar exam and could allow the State Bar to begin exploring small test center administration at some point in the future.

This information has been incorporated into the Risk-Benefit Analysis.

Summary of Public Comment

The Risk-Benefit Analysis was also updated in response to a suggestion by Trustee Patricia Barahona to include a summary of public comment. The summary was developed following a review of all written public comments submitted for a CBE meeting or for a joint meeting of the Board and the CBE as well as reviewing the recordings of those meetings to capture the public comments made orally.

⁷ As noted in Attachment A, this fee is comparable to what the State Bar currently pays for the combination of purchasing the MBE (\$72 per examinee) and the fee paid to ExamSoft for the exam administration software (\$75 per examinee).

NEXT STEPS

Although the CBE recommended adoption of the NextGen UBE without California component at the January 23, 2026, meeting, that action was not informed by the final risk-benefit analysis. Now that CBE is presented with the complete Risk-Benefit Analysis, CBE is being asked, in addition to approving that analysis, to adopt a final recommendation for the future bar exam to be administered in California.

Following this meeting, staff will make further updates to the Risk-Benefit Analysis as directed by the CBE. The analysis will be presented to the Board at its May meeting where the Board will be asked to consider the CBE's recommendation for the future bar exam to be administered in California and adopt it or adopt its own. If different recommendations are adopted, both will be conveyed to the Court.

What Options Are Available for Recommendation

At the March 2026 joint meeting, some Board members suggested an interest in not limiting their recommendation to one of the two options that are the focus of the Risk-Benefit Analysis. Both the CBE and the Board have the ability to make any recommendation they believe is supported by the Risk-Benefit Analysis. However, to satisfy the notice obligations under state law, with regard to the exam to be administered in 2028, the Board and the CBE are largely constrained to the two options currently under discussion. If the Board or the CBE chose to recommend and the Court adopted the NextGen UBE but *with* a California-specific component, the California component could not be deployed in 2028. To comply with the statutory requirements, the notice must include not just the fact of the California component, but which topics of California law would be tested (the content maps), the question types, and how the exam would be administered.

As noted above, there is significant overlap between the 12 content areas identified by the Court in its order for an entirely new California exam (the order which is being reconsidered by the action being taken here today). Subjects not included in the NextGen UBE but identified by the Court when it was envisioning a separate California exam are employment law, administrative law and procedure, and estate planning, trusts and probate. Should the Court want to adopt the NextGen UBE with a California-specific component, it is possible the Court would want these specific topics to be in a California component, along with testing California law on civil procedure, evidence, professional responsibility, and community property. Should the Board or the CBE wish to recommend adoption of the NextGen UBE with a California component, staff recommend that the Court be asked to specify with its order the content areas. The CBE's Subcommittee on Exam Development would then work over several months to propose content maps for those subject areas. At the same time, the subcommittee would develop recommendations for the delivery of a California component.

Delivery of the California component would depend on its purpose. Since the NextGen UBE is testing for minimum competence, the CBE and the Board could conclude that the California component should be focused not on testing minimum competence, but rather on ensuring that entry level attorneys have demonstrated awareness or familiarization with key aspects of California law. Such an exam focused on familiarization could be administered between the

NextGen UBE and the release of results. It could be delivered online, on demand, and be developed as an all-multiple-choice exam. To ensure familiarization, California would develop resource materials that contain all the information that examinees would be tested on. Examinees could be given access to those materials during the test or could be expected to retain the material without reference to it. Because of this structure, a remote administration would be entirely feasible. On the other hand, if the CBE and the Board conclude that the purpose of a California component is also to test minimum competence, then they would need to consider adding this component to the second day of a NextGen UBE administration. This would add to the costs of such administration, however, requiring extension of proctor hours, and more days required for test sites for examinees with extended time accommodations. It would also create complications for administering the California component to out-of-state attorneys who “port” their NextGen UBE score from another state but are still required to take the California component.

Whether CBE or the Board recommend adoption of the NextGen UBE with a California component, staff recommend asking the Court, if it is interested in that option, to inform the State Bar of the content areas so content maps could be developed along with the recommendation for the purpose and delivery of the California component.

In addition to exploring options about a California component, at the March 2026 joint meeting a couple of Board members expressed an interest in recommending that if the option selected is the NextGen UBE, then staff nonetheless proceed with exploring development of an entirely separate California exam consistent with the Court’s October 2024 direction. Staff notes that state statute and the California Rules of Court require the State Bar to conduct an analysis of the validity of the bar examination and its passing score at least once every seven years. That analysis would include a practice analysis to ensure that the exam tests the knowledge, skills, and abilities required of entry level attorneys in California.

The Office of Admissions does not currently have the resources to both complete the steps required to implement the NextGen UBE—should that be the Court’s direction—and to simultaneously explore creation of a new exam.⁹ Should the Court direct the adoption of the NextGen UBE, the State Bar will need to conduct a standard setting study to set the passing score, which would need to be approved by the Court, and will need to make considerable process changes to be prepared to implement the NextGen UBE. If the State Bar is directed to

⁹ Unfortunately, staff does not have a strong basis for estimating the additional costs for exam development for a new California exam consistent with the October 2024 Supreme Court order. Previously estimates came in between \$2 million and \$10 million. However, staff who reported those estimates are no longer with the State Bar; the elements included in that wide range is unknown. In light of the \$8,250,000 contract with Kaplan for delivery of approximately 2,200 MCQs, 18 PTs, and 234 essays, the \$10 million estimate is likely toward the lower bound for vendors and consultants. Additional expenses would include an updated practice analysis, development of a software platform for exam delivery consistent with the exam components. Additional exam development staff resources would also be needed; with these staff dedicated entirely to this development effort. Similarly, additional exam administration staff, with expertise in user experience design would need to be added to manage development of the software platform vendor. Furthermore, as previously discussed, the State Bar would need to commit to a timeline and resource allocation that allows for appropriate testing of content and the software platform and stepping back or starting over if the testing identifies problems.

include a California component, we will also need to develop the content map and evaluate and adopt a new risk-benefit analysis analyzing the different approaches for such a component. That will be followed by extensive efforts to create the California component.

Therefore, staff recommends that if the CBE or the Board wishes to explore adoption of a new California exam, that it should wait until the seven-year assessment to determine if the NextGen UBE is meeting California's needs.

If the Court were to direct adoption of the NextGen UBE without a California component, the State Bar should explore termination of the contract with Kaplan by issuing written notice no later than February 28, 2027, to avoid the annual fees for the fourth and fifth years of the contract. By providing timely notice, the State Bar will be responsible for an early termination fee of \$712,500 in lieu of the \$2,850,000 due for the fourth and fifth years, saving \$2,137,500. The State Bar has initiated preliminary conversations with Kaplan to identify ways in which the early termination penalty could be reduced or eliminated if we are in a situation where termination of the contract is appropriate.

If the Court were to direct adoption of the NextGen UBE with a California component, the State Bar should explore whether to amend the contract with Kaplan or to terminate the contract and seek a new vendor for the California component.

PREVIOUS ACTION

[October 10, 2024](#): The 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.

[May 22, 2025, Board of Trustees Meeting, Office of Admissions Update](#): 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. (On August 14, 2025, 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.

August 14, 2025, Joint Meeting of the Board of Trustees and the Committee of Bar Examiners: Discussion and Action, if Appropriate, on Development of Recommendations for Future California Bar Exams Following the July 2025 Administration

- [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](#)

October 10, 2025, Committee of Bar Examiners Meeting: Initial Discussion and Action, if Appropriation, on Select Components of the Cost-Benefit Analysis and Report Required Under California Rules of Court, Rule 9.6(b) and AB 484 (Dixon)

- [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](#)

November 21, 2025, Board of Trustees Meeting: Discussion Regarding a Roadmap to Recommending the Future Bar Exam (Certain attachments are excluded below to avoid duplication)

- [Presentation](#)
- [Staff Report](#)

December 5, 2025, Committee of Bar Examiners Meeting: Discussion and Action, if Appropriate, on Roadmap to the Future California Bar Exam

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

January 23, 2026, Joint Meeting of the Board of Trustees and the Committee of Bar Examiners: Discussion and Action, if Appropriate, on Roadmap to the Future California Bar Exam (Certain attachments excluded below to avoid duplication)

- [Staff Report](#)
- [Comparative Analysis of Stakeholder Survey Responses, Including Initial Thinking of Members of Board of Trustees and Committee of Bar Examiners](#)
- [Presentation from Kaplan Exam Services](#)
- [Introductory Presentation; Preliminary Cost Impacts of Bar Exam Options](#)
- [Presentation on the Risks and Benefits of Different Options](#)

February 20, 2026, Subcommittee on Examination Development Meeting: 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

- [Staff Report](#)
- [Preliminary Draft Analysis of Future Bar Exam Options](#)
- [Presentation](#)

March 13, 2026, Joint Meeting of the Board of Trustees and the Committee of Bar Examiners: Discussion of the Draft Risk-Benefit 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

- [Draft Risk-Benefit Analysis](#)
- [Survey of California Law School Deans](#)
- [Survey of Licensees](#)
- [Survey of Prospective Licensees](#)
- [Media Compilation – Relevant Articles and Opinion Pieces](#)
- [Memo from the Chair of the Nevada Board of Law Examiners](#)
- [Statement from Vice Chair Mark Toney](#)

FISCAL/PERSONNEL IMPACT

Please see the evaluation of direct and indirect costs included as part of the Risk-Benefit Analysis.

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

WHEREAS, on October 10, 2024, following the Board’s submission of the Blue Ribbon Commission on the Future of the Bar Exam’s (BRC) recommendations, the California Supreme Court issued an order adopting changes to the California Bar Exam that would require the development of a California-specific bar exam;

WHEREAS, the National Conference of Bar Examiners (NCBE) will discontinue offering the Multistate Bar Examination (MBE) – which the State Bar has historically used for the multiple-choice question component of the bar exam – after the administration of the February 2028 bar exam;

WHEREAS, pursuant to Business and Professions Code section 6046.6(a) and California Rule of Court, rule 9.5(a), the State Bar must give at least two years' notice if it alters the bar exam in a manner that requires the substantial modification of the training or preparation required for passage of the exam;

WHEREAS, following the February 2025 bar exam, the Supreme Court ordered the State Bar to return to using the MBE for the multiple choice section of the bar exam and the Committee of Bar Examiners (Committee) and Board of Trustees (Board) assessed the lessons learned from that administration, and the Board and the Committee determined it was appropriate to reevaluate the future of the bar exam, including the bar exam that would be offered beginning after the MBE sunsets;

WHEREAS, in reevaluating the future bar exam, since May 2025 the Committee and Board have reviewed extensive materials and feedback from stakeholders, have had discussions with experts, and have considered extensive additional information about the NextGen UBE that was not available when the BRC made their recommendations in 2023 or when the Supreme Court issued its order in October 2024;

WHEREAS, on January 23, 2026, the Committee recommended that the Board recommend to the California Supreme Court that the NCBE's NextGen UBE without a California component be administered as the bar examination in July 2028;

WHEREAS, following the January 23, 2026, meeting, the Committee has developed a risk-benefit analysis as required by California Rule of Court, rule 9.6(b) and Business and Professions Code section 6046.2;

WHEREAS, pursuant to California Rule of Court, rule 9.6, the Committee is responsible for administering the bar examination and in carrying out those responsibilities may utilize the services of third parties to prepare bar exam questions provided that the vendor has no financial interest in other matters that might create a conflict of interest with the State Bar or with the vendor's ability to draft fair and reliable exam questions, subject to review and approval by the Board;

NOW, THEREFORE, THE COMMITTEE OF BAR EXAMINERS RESOLVES AS FOLLOWS:

RESOLVED, that the Committee of Bar Examiners, pursuant to California Rule of Court, rule 9.6(b) adopts the Risk-Benefit Analysis, attached hereto as Exhibit A; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners authorizes staff, in collaboration with the Committee Chair, to revise the Risk-Benefit Analysis set forth in Attachment A prior to presentation to the Board of Trustees in May 2026 to make technical, nonsubstantive, or grammatical edits and to update the numbers in Table 9 to reflect actual expenditures on the February 2026 bar exam in lieu of the budgeted amounts, if these expenditures are timely finalized; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees direct staff to transmit the risk-benefit analysis to the Legislature to satisfy the reporting obligation set forth in Business and Professions Code section 6046.2; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners, now having considered and adopted the Risk-Benefit Analysis, as required by California Rules of Court, makes a final recommendation to the Board of Trustees, for their review and approval, that the NextGen UBE without a California component be administered as the bar exam beginning in July 2028 and that this recommendation be advanced to the Supreme Court for its approval.

ATTACHMENT LIST

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



The State Bar of California

Exploring Options for the Future Bar Examination in California: A Risk – Benefit Analysis

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

[Publish Date TBD]

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EXECUTIVE SUMMARY

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

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

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

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

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

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

INTRODUCTION AND PURPOSE

In late 2020, the Court adopted the charter for the joint California Supreme Court/State Bar Blue Ribbon Commission on the Future of the California Bar Exam (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 [examinees] are prepared to practice law ethically and competently at a level appropriate for an entry-level attorney.” More specifically, the Commission was asked to consider:

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

The final report of the BRC,¹ adopted by the Board in May 2023, lays out a detailed history of the bar exam in California, and the issues and analyses leading up to the formation of the BRC and its recommendations.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 risk-benefit report and the recommendation to the Court for the future bar exam.

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

- The exam must test the following 12 topics³:
 - Civil Procedure
 - Constitutional Law
 - Contracts
 - Criminal Law and Procedure
 - Evidence
 - Real Property

¹The Report of the Blue Ribbon Commission on the Future of the Bar Exam may be accessed here:

<https://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000030806.pdf#page=6>.

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

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 list includes topics not currently tested on the California Bar Exam (family law, administrative law and procedure, and employment law) and excludes topics that are currently tested (business associations, community property, and remedies). See Appendix C for a comparison of content areas.

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

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

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

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

REASSESSMENT

While long-term planning had begun, the State Bar made a significant short-term shift. Motivated by a desire for a more accessible and affordable exam, and presented with data that suggested a majority of examinees preferred a remote experience, the State Bar executed a contract with Kaplan on August 9, 2024, to develop its own multiple-choice items (MCQs), replacing the NCBE's 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 administration vendor to deliver the February 2025 bar exam remotely and in test centers. The exam, unfortunately, was marred by difficulties. Examinees from the February 2025 bar exam experienced unacceptable widespread technological and proctoring issues in both the remote and in-person settings. Further, there were criticisms of the quality of the MCQs, with examinee survey results noting concerns with clarity and conciseness, legal accuracy, response options, and consistent legal terminology.⁴ Following the exam, to respond to the issues that impacted the ability of examinees to complete the exam or demonstrate their knowledge of the material unimpeded, the CBE directly implemented or recommended to the Court a variety of scoring adjustments and other remedial measures.⁵

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

- *Legislation*: SB 253 (Umberg), Ch. 405, Stats. of 2025, amended Business and Professions Code section 6046.6 to mandate an 18-month notice period before switching vendors for the MCQs from 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 and including 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

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

⁵ 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 examinees who had blank responses if they had responses for at least two-thirds of the questions in the specific section; (2) imputing performance test scores for all examinees who failed the exam and using the imputed score if it exceeded the score otherwise awarded. In addition, to address the widespread challenges, in lieu of individualized scoring adjustments based on the specific issues each individual examinee experienced, the 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 examinees who had a “second read” of their written responses, using the higher of the two scores given on each question rather than the average. Though not a scoring adjustment, the Board and the Committee also recommended that the Supreme Court adopt a provisional licensure program for certain February 2025 examinees.

⁶ 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 noted 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.

experience with the testing software and changes to the medium in which the testing materials are provided.

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

DECIDING THE FUTURE OF ATTORNEY LICENSURE IN CALIFORNIA

The State Bar is now at a critical decision point. 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.

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

May 2025: The Board adopted the following guiding principles and priorities to help further decisions about the development and administration of future bar exams⁷:

- Doing it right is more important than doing it fast or cheap.
- Exam must be reliable and predictable.
- Minimizing risk:
 - If changes are made, with phase rollout, move with caution
 - If changes are made, use proven technology with appropriate testing and risk minimization.
- Exam must appropriately assess for minimum competence to practice law in California.
- Exam must be accessible, affordable, fair, and equitable for [examinees].
- Lessons from the 2025 Bar Exam must be learned before moving to a remote, online exam.

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

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

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

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

At the Board's September 2025 meeting, staff presented significant information about lessons learned from the February 2025 experience and process improvements that were implemented or planned in response. Staff also presented results from the test-taker survey conducted following the July 2025 bar exam, which reflected a continuing decline in 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 examinees, respectively).

The CBE discussed the three options in more detail at its October 2025 meeting, and the Board received an update in November 2025, including information learned since the 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:

- 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.⁸

The Board discussion started to explore more in depth 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 administered. The streamlined exam model under discussion, similar to what Nevada was developing, required a determination of whether to include a supervised practice component, an online module, or another approach to test skills not effectively tested on the MCQs and PTs, which is a component of Nevada’s approach.

December 2025: State Bar staff⁹ 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.¹⁰ At this meeting, the CBE also began considering the broader set of options:

- A New California Bar Exam
 - A new exam consistent with the October 2024 direction of the Court. Until the new exam is ready to administer (estimated 5+ year development timeline), return to using Kaplan-developed MCQs and California essays and PTs.
 - A new exam consistent with the October 2024 direction of the Court. Until the new exam is ready to administer (estimated 5+ year development timeline), use the NCBE’s NextGen UBE without adding a California-specific component.
 - A new exam consistent with the October 2024 direction of the Court. Until the new exam is ready to administer (estimated 5 + year development timeline), use 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).

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

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

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

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

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

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, examinees who registered with the State Bar in the last five years, bar associations, and disability rights organizations. The effort yielded over 13,500 responses. A similar survey regarding preferences and weighting of guiding principles was issued to members of the CBE and the Board in December 2025.

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

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

- Licensees and Examinees: The CBE and the Board analyzed over 13,500 responses from the legal community. This data highlighted a divide: examinees preferred the NextGen UBE (for portability, alignment with most jurisdictions, and cost considerations), while current licensees preferred maintaining a California-specific exam (for assessment of California law and competency, focus on applied skills, and long-term continuity).
- 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.

- 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.).
- The response rates from bar associations and disability rights organizations were so low that they were not presented.¹¹

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

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

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

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

The specific factors examined included psychometric best practices, the guiding principles and priorities adopted by the CBE and the Board, guidance from the Court in its October 10, 2024, order, which included a related set of guiding principles, the initial thinking of Board and CBE members reflected in surveys conducted in December 2025, and the results of surveys of stakeholder groups in January 2026.¹³ In their survey, the CBE and Board members were asked to identify what, at the time, they each viewed as the top five most important guiding principles. Drawing from the guiding principles, the survey also identified factors for consideration in determining the future bar exam. Although there was significant overlap with

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

¹² 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.

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

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

The guiding principles most commonly included in respondent's top five 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, members' preliminary thinking prioritized alignment with California practice and cost over national portability, with the five factors most commonly included in respondent's top five being:

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

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

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

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

After synthesizing all this information and the valuable discussions and input, the CBE recommended 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.¹⁴ The additional time would also allow further analysis of whether to add a California component to the NextGen UBE, or whether the State Bar possessed the capacity to develop a California-specific exam to effectively test minimum competence and protect the public.

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

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

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

LEGAL AND REGULATORY BASIS

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

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

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

¹⁴ The NextGen UBE has been adopted in 49 jurisdictions, but the first administration will not be until July 2026 and the largest jurisdictions are not set to deploy the NextGen UBE until July 2028: 10 jurisdictions will administer the NextGen UBE in July 2026, an additional 13 in February 2027, and then 3 more in February 2028. An additional 23 jurisdictions, including the larger jurisdictions, are set to administer the NextGen UBE in July 2028.

4. The estimated number of temporary and non-temporary full-time equivalent positions necessary to implement the proposed changes;
5. The estimated timeframe required to competently implement the proposed changes; and
6. Whether the proposed changes have previously demonstrated their efficacy under testing conditions similar to those of the bar exam.¹⁵

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

EVALUATION OF RISKS AND BENEFITS

OUTLINING THE OPTIONS

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

This option involves using Kaplan-developed MCQs, essays, and PTs, along with other essays and PTs currently in the item bank, for administration beginning February or July 2028. Under this approach, the State Bar would continue administering an exam with MCQs, essays, and PTs, and it would be responsible for developing its own items. Based on the discussion by the Board, this option is not intended to serve as a bridge to a *specific* future option but rather would allow more time to determine whether the technology used for the NextGen UBE performs well when deployed in other jurisdictions, including larger jurisdictions like New York, Texas, and Florida, and to assess performance data.¹⁶

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 exam. 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. By purchasing the NextGen UBE, the State Bar would be required to administer the exam in accordance with NCBE procedures. These include in-person

¹⁵ https://courts.ca.gov/cms/rules/index/nine/rule9_6

¹⁶ A previous draft of this analysis presented to the Board and the CBE in January 2026 indicated that the delay in making the determination would also allow a more accurate impact of costs since the cost of the NextGen UBE has only been set through July 2028. This language was removed following NCBE's confirmation that fees for the NextGen UBE would only be expected to be raised every three to four years (the timeline for cost increases for the current UBE), and that increases are expected to be very modest.

administration on designated dates and computer-based testing for all examinees, except those with approved testing accommodations allowing handwriting.¹⁷

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

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

Because Option 1, “Use of Kaplan” does not make a decision about the future bar exam, but rather defers the decision, analyses of risks and benefits related to this option are only for the exam that would be in place until a future decision is made/implemented. Staff does not believe it is realistic to assume a remote administration would be possible in the next few years. Similarly, staff does not believe that item banks will be sufficiently robust in the next several years to allow for the use of small test centers¹⁸. The analyses below, therefore, do not discuss risks and benefits of remote administration or small test center administration.

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

¹⁷ Tables showing the alignment of the content areas and skills tested currently, tested on the NextGen UBE, and contemplated by the Supreme Court’s order for a new bar exam, are set forth in Appendix C.

¹⁸ Because of the volume of examinees in California, use of smaller (vendor-owned/operated) test centers would have to take place over an extended window of time to provide seats for all examinees. This necessitates additional exam forms. A recent analysis concluded that based on the number of MCQs being developed by Kaplan, and the current content maps outlining the topics and subtopics to be tested on each exam, we can expect 9 – 11 unique test forms, assuming all questions remain in the bank after review by the content validation panels and subject matter experts. Mixing those items up across test forms will provide 4 – 5 times that amount.

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

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: State Bar retains full control of exam design and 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>Most commonly requested accommodations are provided directly through the platform, eliminating complexity of implementation.</p>
<p>Risk to the State Bar: Possibility that State Bar does not adequately assess whether items are biased, creating an exam that results in disparate impact and reputational harm to the State Bar.</p>	<p>Risk to the State Bar: The State Bar relies entirely on NCBE's fairness reviews.</p> <p>The State Bar cannot directly intervene to adjust the exam for California-specific equity goals.</p>
<p>Benefit to Examinees: State Bar previously conducted a differential item functioning (DIF) analysis and identified no significant bias issues with the essays and performance tests. Questions are drafted/reviewed with DIF guidelines to eliminate risk of bias.</p>	<p>Benefit to Examinees: Examinees are tested on a nationally validated instrument used by at least 48 other jurisdictions and for which significant effort was deployed to eliminate bias.</p> <p>The platform includes accessibility features that address common accommodations including large font, speech-to-text capability, screen-reading capability, audio version of the exam, and high and low contrast visibility.</p>
<p>Risk to Examinees: Depending on requirements for exam administration, computer-based administration can create an inequitable testing environment for those with older hardware.</p> <p>Reliance on California's ability to procure and negotiate fees with exam administration vendors to keep the costs</p>	<p>Risk to Examinees: State Bar exam fees may increase due to inability to negotiate license and technology fees with NCBE and potential costs of early termination penalty in Kaplan Agreement.¹⁹</p> <p>Computer-based administration without a handwriting option creates a potential financial barrier for those without</p>

¹⁹ See footnote 16, *supra*, regarding anticipation for only modest increases for NCBE license fees. NCBE estimates that amount of the technology fee (which is paid directly by the examinees) will decrease as data from pilot tests suggests that the need for back up laptops and tech proctors will be significantly less than what is planned to have in place through 2028.

passed down to examinees affordable.	compliant devices on top of the risk of inequitable testing environment for those with older hardware.
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Preparation Resources: This defines the extent to which the exam is reliable and predictable. It assesses whether the option allows for the timely publication of content maps and study guides so examinees can prepare effectively and ensures that similarly qualified examinees receive similar results regardless of when they take the exam.

Table 2. Benefits and Risks Related to Preparation Resources

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: Contract with Kaplan includes the development of study aids.</p> <p>The State Bar has already prepared content maps. Revised study guides, with 25 additional questions and replacement/updates to previous questions used are ready for content validation and subject matter expert review.</p>	<p>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 State Bar 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. Other prep materials available through the NCBE website at a cost.</p> <p>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 in exam developer may affect the quality of the test preparation materials.</p> <p>State Bar developed study aids will provide a limited number of sample questions, less than what has been suggested by law school faculty.</p>	<p>Risk to Examinees: Some examinees may find the cost of preparation materials prohibitive.</p>
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Transparency and Stakeholder Confidence: This measures the program’s commitment to ensure greater transparency and seek out stakeholder perspectives to advance the Board’s principle to improve work with stakeholders. For examinees, this assesses whether the option fosters trust through clear communication, partnerships with law schools, and the elimination of "business as usual" approaches to drive improvement. This criterion is also related to the Court’s principle that decisions about the future exam should be “evidence based”. In considering the future bar exam option, the Board’s priority of “long-term continuity” is directly related to stakeholder confidence.

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

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: State Bar controls the information that is shared about the exam development and administration processes.</p> <p>Some key stakeholders (particularly bar associations in California) have expressed a clear preference for the use of Kaplan to get more information prior to making a decision.</p> <p>State Bar can engage stakeholders directly and incorporate their feedback into exam-related decisions.</p> <p>State Bar 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 (particularly law school deans from ABA-approved and California-accredited law schools) have greater confidence in the NCBE’s ability to develop exam content and have expressed a clear preference that the State Bar adopt the NextGen UBE.</p> <p>NCBE’s multi-year implementation plan included several opportunities to collect operational and item performance data.</p> <p>NCBE will provide performance data for jurisdictions, including both raw and scaled scores, comparative performance at the question type level and, for the standalone MCQs, by subject; and, beginning 2028, the comparative performance data will extend to the skill areas tested.</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>Stakeholders may be skeptical of the viability of a new exam administration platform.</p> <p>Currently limited evidence regarding item performance.</p> <p>State Bar fails to include stakeholders to the extent anticipated or desired.</p>	<p>Risk to the State Bar: Stakeholders cannot audit national scoring. This requires the State Bar to work with the NCBE for the explanation of any anomalies to stakeholders.</p> <p>Evidence regarding item performance limited to prototype exam and beta testing. Evidence of operational performance limited to synthetic load testing.</p> <p>If there are exam issues, State Bar may have limited ability to respond.</p> <p>State Bar may not be able to opt out of innovations it deems inappropriate (e.g., future use of artificial intelligence for question development).</p>
<p>Benefit to Examinees: Partnering with law schools to test platforms helps build trust.</p> <p>Improved and transparent processes for content development and subject matter expert review helps build trust.</p>	<p>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 long in advance of any transition to the NextGen UBE.</p>
<p>Risk to Examinees: Examinees may lack confidence in a new, unproven exam developer compared to the NCBE, and State Bar’s past history may cause a lack of confidence in administration vendor selection.</p>	<p>Risk to Examinees: Recent State Bar post-bar exam surveys reflect some questioning the accuracy of NCBE’s MBE items. This perception may cause a lack of confidence in the NextGen UBE.</p>

Administration Mode and Flexibility: This factor weighs the balance between caution and innovation. It evaluates whether the delivery method accommodates diverse examinees’ needs without compromising security, ensuring that "caution cannot trump innovation" while still strictly adhering to lessons learned regarding remote delivery. This criterion also considers the Board’s principles to minimize risks and to explore delivering the exam more frequently than twice per year. When eliminating considerations of remote administration, administration of the exam in small test centers, or the flexibility to administer the exam more than two times per year, the differences between Options 1 and 2 are limited. It was observed, however, that

most survey respondents did not rank highly the importance of remote administration, administration at small test centers, or administering the exam more than twice per year.²⁰

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

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

Frequency and Scheduling (Timing of Administration): This criterion considers the Board’s principle of offering the exam more frequently than twice per year. It evaluates how the scheduling of the exam impacts an examinee’s ability to enter the workforce quickly, prioritizing options that reduce the waiting period for licensure. As noted above, staff does not anticipate having a sufficiently robust item bank in the next several years to administer the exam more than two times per year. As a result, the differences between Options 1 and 2 are limited. In the stakeholder surveys, 72 percent of prospective examinees rated this factor as extremely or very important, but few deans from ABA-approved law schools and

²⁰ Frequency of administration was rated highly by deans of unaccredited law schools and by prospective examinees, but not by other law school deans, current licensees, or the members of the Board or CBE when expressing their preliminary views. Fifty-nine percent of prospective examinees rated a remote administration as extremely or very important, but other stakeholders did not tend to rate this factor similarly. All groups, on the other hand rated small site administration as somewhat unimportant or not important at all. Based on surveys of examinees conducted after the administration of the bar exam, support for remote exams has declined substantially examinees from 64 percent in February 2024 to 29 percent in July 2025, with a small bump up to 34 percent in February 2026.

California-accredited law schools, along with current licensees, rated this as an extremely or very important consideration.

Table 5. Benefits and Risks Related to Frequency and Scheduling

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
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: Difficulty retaining graders for what would 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 State Bar 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: State Bar unable to administer more frequently than twice per year; any perceived benefit unrealized.	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.

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

Option 1: Use of Kaplan	Option 2: Adopt NextGen UBE
<p>Benefit to the State Bar: Opportunity to observe the initial administrations of the NextGen UBE to understand technological risks before considering it in the future.</p> <p>The State Bar would have greater control over</p>	<p>Benefit to the State Bar: Beta test conducted demonstrates operational success. Four full exam administrations prior to July 2028 to allow identification and remediation of any issues.²¹</p>

²¹ Through July 2028, NCBE will have ten backup laptops and one technical support person per 100 examinees to ensure a stable administration. Numbers post-July 2028 will be based on observed need.

<p>timing of technology updates and enhancements.</p> <p>Depending on choice of exam vendor, there could be far less reliance on internet connectivity on exam day which eliminates a technological risk.</p>	<p>Synthetic load testing conducted to simulate user traffic of as many as 90,000 simultaneous downloads (more than required).</p> <p>Four additional servers added with redundancy. Not reliant on AWS servers.</p>
<p>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 State Bar 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.</p> <p>Large jurisdictions such as New York, Florida and Texas will not deploy until July 2028, leaving a question as to the vendor’s and platform’s capabilities when at full load, despite synthetic load testing.</p>
<p>Benefit to Examinees: None identified</p>	<p>Benefit to Examinees: The NCBE is an established vendor, potentially inspiring more confidence in its success despite the new 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 supports, particularly regarding the requirement to minimize disparate performance impacts based on disability. It asks whether the option provides equitable access to testing accommodations to ensure all examinees have a fair opportunity to demonstrate their competence.

Under both options, the State Bar would remain responsible for evaluating requests for testing accommodations. The State Bar provides testing accommodations to ensure that examinees with disabilities can access the exam and are afforded an equal opportunity to obtain the same results, gain the same benefits, or reach the same level of achievement as others. Examinees with disabilities are granted reasonable testing accommodations provided that they establish the examinee’s disability-related functional limitations, their specific access needs, and how those needs relate to the requested testing accommodations. Each matter is evaluated and decided on a case-by-case basis.

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

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

Table 7. Benefits and Risks Related to Support and Accommodations

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

<p>Risk to Examinees: Lack of confidence in the State Bar’s ability to select and manage an exam administration vendor based on experience with February 2025.</p>	<p>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>
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Assessment of Minimum Competence (Content Validity): This ensures the exam is an accurate measure of minimum competence by measuring the knowledge, skills, and abilities currently required for the entry-level practice of law. It evaluates whether the content—including the Court’s specific requirement for assessment of minimum competence in professional ethics and professional responsibility—is relevant to actual practice and grounded in evidence. It also relates to other Court principles, including ensuring the exam furthers the protection of the public and focuses more on skills than memorization of doctrinal content. The Board’s priorities 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.

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

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

Initially, no change to the doctrinal areas and skills measured or the need for memorization versus application of skills.	California law.
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.
Risk to Examinees: Unlikely for there to be any reciprocity.	Risk to Examinees: Whether other jurisdictions will allow graduates of CALS or unaccredited schools to port their scores remains unknown.

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

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

As described in the tangible and intangible benefits analysis above, Option 1, “Use of Kaplan” does not make a decision about the future bar exam, but rather defers the decision. As a result, analysis of costs of this option are only for the exam that would be in place until a future decision is made/implemented (i.e. a California exam with Kaplan developed MCQs and essays and performance tests either developed by Kaplan or otherwise already in the item bank). Staff does not believe it is realistic to assume a remote administration would be possible in the next few years. Similarly, staff does not believe that item banks will be sufficiently robust in the next several years to allow for the use of small test centers. The analysis, therefore, does not take into consideration potential cost savings from such changes in the administration of the exam.

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

- Cost increases are not estimated. In other words, the anticipated cost of exam sites for the 2026 exams are used for future years and are not increased to reflect inflation or changes in the Consumer Price Index or average year-over-year increases experienced by the State Bar.
- Personnel costs are not increased to reflect cost-of-living adjustments or merit increases for staff. Similarly other likely increases impacting expenditures on compensation, such as increased health care costs, are not calculated.
- The analysis does not adjust the number of projected examinees for future exams.

- Costs for standard validation (for Use of Kaplan) are not currently included; standard validation is necessary because exam scores can no longer be anchored to multiple-choice questions developed by the NCBE.
- Costs for standard setting (for NextGen UBE) are not currently included; standard setting is necessary to establish a raw passing score for the new exam.

All these factors, among others, would be part of a fee setting analysis similar to the analysis that was presented to the Board in November 2025.²² Such analyses are scheduled for every three years, but can be accelerated if needed.

Other assumptions built into this analysis are as follows:

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

²² See item 6.2, Approval of Applicant and Other Fees for Admissions Program, [Board of Trustees Meeting, November 20-21, 2025](#).

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

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

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

Cost Category	Sub-Category	Occurrence	Option 1: Use of Kaplan	Option 2: NextGen UBE	Current	Comments
	Exam Administration Software (per licensee cost and onsite support)	Annual	\$1,165,000	\$0	\$1,165,000	<p>Current: Reflects 2026 contract with ExamSoft for \$1,165,000 based on 15,000 examinees and \$40,000 for onsite support.</p> <p>Option 1: Assumes consistency with current costs and number of examinees.</p> <p>Option 2: No additional State Bar cost beyond exam licensing fee set out in exam development above. See below for technology fee to examinees.</p>
	Proctors and Off Duty Officers	Annual	\$2,618,000	\$1,600,000	\$2,618,000	<p>Option 2: As described in narrative below, assumes a change in the ratio of proctors to examinees from 1:30 to 1:50 and a conservative reduction in the number of work room proctors.</p>
	Delivery and Printing	Annual	\$190,000	\$90,000	\$190,000	<p>Option 2: Assumes elimination of 75 percent of printing costs and 50 percent of delivery costs.</p>
	Grading	Annual	\$545,000	\$626,750	\$545,500	<p>Option 2: Assumes a reduction in grading costs of 15 percent, as described in the narrative above. Includes 50 percent of EDG team costs moved from Item Validation line above re: current and Option1.</p>

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

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

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

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

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

Appendix A includes an evaluation of how the two options compare across key components of the assessment 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.

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

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

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

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

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

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

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

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

	<p>Risk: If the State Bar chooses to improve efficiency by procuring a vendor able to design a platform to deliver the questions in the software, the State Bar will need to have the expertise to effectively manage the vendor in the design of the user interface. Such a new platform design is likely to result in increased expenses and require a longer-term vendor contract.</p>		
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ESTIMATED NEED FOR STAFF TO IMPLEMENT THE SELECTED OPTION (9.6(b)(4))

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

Option 1: Use of Kaplan

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

Option 2: Adopt NextGen UBE

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

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

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

Option 1: Use of Kaplan		Option 2: Adopt NextGen UBE	
Development	Administration	Development	Administration
Benefit: None identified	Benefit: None identified	Benefit: Fully NCBE managed. Can re-examine Admissions structure and redeploy staff.	Benefit: Reduction in staff with elimination of significant paper materials. Benefit: Can redeploy staff not needed full time on exam administration.
Risk: Requires Exam Development Director (planned hiring) to finalize exam development framework and ensure consistent, accurate application of the framework.	Risk: Requires dedicated staff to manage paper-based administration, platform development, and vendor oversight.	Risk: None identified	Risk: None identified

TIMEFRAME FOR IMPLEMENTATION (9.6(b)(5))

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

Use of Kaplan, with an in-person administration at large test sites, could begin February 2028 – the earliest date possible after providing the required notice. To provide for additional time to review Kaplan content under development, a decision could be made to delay implementation until July 2028. Adoption of the NextGen UBE will be able to begin July 2028, which is the

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

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

Table 12. Benefits and Risks to Exam Development and Administration Related to the Timeframe for Implementation

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

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

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

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

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

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

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

The evaluation envisioned by this criterion may be more appropriate, for example, for a change from an in-person to a remote administration. The NextGen UBE is a new exam, 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 examinees. The administration went smoothly, with minimal technical issues reported. Fewer than three percent of examinees had technical issues that required replacement of their personal laptop with a vendor-provided laptop on the first day of the exam; 1.6 percent required placement on the second day of the exam.²³ In each instance, examinees were able to resume testing and complete exam sections successfully without loss of responses.

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

²³ Through the July 2028 administration, NCBE will provide 10 backup laptops for every 100 examinees (10 percent). For the beta test, NCBE replaced laptops for user issues that may not warrant a replacement should they occur during the exam. For example, NCBE replaced laptops if the examinee dropped the laptop, or did not bring a power supply, and other issues that were completely unrelated to the performance of the platform.

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

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

exam's purpose and content design.

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

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

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

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

The Evaluation of Risks and Benefits section of this report provides the information necessary to compare the efficiency and cost implications of the two options currently under consideration, use of Kaplan, and to, adoption of the NextGen UBE.

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

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

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

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

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

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

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

CONCLUSION

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

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

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

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

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

APPENDIX A: ASSESSMENT LIFECYCLE FOR THE TWO EXAM OPTIONS

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

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

ASSESSMENT DEVELOPMENT

- **Assessment Content:** The inputs determining test coverage. It is assumed to rely on a Practice Analysis and an Assessment Blueprint to achieve content validity.
- **Content Creation:** The process of Item Development and Item Review, defined as the rigorous drafting and refining of items to ensure they are unambiguous, legally accurate, free from bias, and are appropriately crafted to test for minimum competence.
- **Psychometric Support for Assessment Development:** The statistical processes and procedures required to ensure fairness, including Pre-Testing (evaluating items), Form Assembly (building balanced tests), Form Equating (ensuring difficulty consistency), Standard Setting (determine a pass line that is aligned with the expected KSAs of exam takers), and Technical Documentation (summarizing the statistical processes and procedures followed).
- **Management:** The role that State Bar staff plays in ensuring that the assessment development process is executed properly and on time, and that process documentation is created resulting in continuous improvement. This includes Coordination and Management of Work and Timelines (facilitation among staff, consultants, and vendors) and Documentation of Processes (collecting and synthesizing data from across the assessment development 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 A-1. 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 (MBE). It is not based on a California-specific practice analysis.
		Assessment Blueprint	MCQs, essays, and performance tests (PTs) aligned with current content maps for each exam component to meet test level requirements.
	Content Creation	Item Development	<p>All MCQs drafted by Kaplan.</p> <p>Essays and PTs drafted by Kaplan, or, for items already in the item bank, drafted by law school faculty or the State Bar’s PT Drafting Team.</p>
		Item Review	<p>Content and bias review of MCQs and essays conducted by content validation 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.</p> <p>Essays to undergo further review by the State Bar’s Examination Development and Grading (EDG) Team; for PTs, content validation will be conducted by PT Drafting Team.</p> <p>Review of items after administration based on statistical performance.</p>
	Assessment Type		

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 exam and its passing score must be conducted by the CBE at least once every seven years under California Rules of Court rule 9.6(c).
	Technical Documentation	Scaling and equating report from psychometric contractor.
	Development Timeline	<p>Item development occurring through January 2029 under contract with Kaplan.</p> <p>Item review to occur between 2026 and 2028 ahead of first administration; ongoing item review conducted after that.</p> <p>Pre-testing to occur starting with the first administration in 2028.</p> <p>Assessment blueprint tasks already completed.</p>
Management	<p>Coordination and Management of Work and Timelines</p> <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		In-person at large venues determined by the State Bar Essay and PT items printed in hardcopy with responses captured on computer; option to deliver MCQs and capture responses using printed hardcopy materials or computer.
	Administration Time		Twice per year; two days for general applicants and one day for attorney applicants for standard administration. Option to explore change in dates of exam administration.
	Administration Technology	Software and Hardware Requirements for Secure Delivery	Exam vendor selected following a formal Request for Proposals using business requirements and an established assessment rubric. State Bar has ultimate responsibility for vendor selection, platform performance and stability, user interface and experience. State Bar facilitates sharing examinee data with vendor; no additional software or hardware required for staff.
		Examinee Technology Requirements	Access to a laptop computer that meets minimum system requirements of software, and internet connectivity before and after the exam, as determined by vendor. (Possibility for higher system requirements or internet connectivity throughout the exam based on vendor and decisions about exam delivery.)

			Examinees must download and take the mock exam to ensure familiarity with the platform and that the laptop meets requirements prior to sitting for the exam
	Psychometric Support	Scoring	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	Led by Office of Admissions Director of Admissions Operations. Workflows and timelines established State Bar policy, coordination with contractors, contractual obligations with vendors, and psychometric best practices.
		Documentation of Process	Proctor manual, incident reporting, recommendations for process improvement

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

Phase	Factors		Information Known	
Assessment Development	Assessment Content	Practice Analysis	Based on a national practice analysis conducted by the NCBE. Substantial though not complete alignment with the content areas identified by the Court.	
		Assessment Blueprint	Doctrinal areas and skills linked to national practice analysis.	
	Content Development	Item Development	NCBE develops MCQs, integrated item sets, and PTs.	
		Item Review	Items reviewed prior to administration. Historically, 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	NCBE managed.
			Form Assembly	NCBE managed.
			Form Equating	NCBE managed.
			Standard Setting	Support jurisdictions' standard setting study to recommend a range of passing scores; data used to

			support jurisdictions in determining their passing score on the new scale.
		Technical Documentation	Internal documentation and performance data controlled by NCBE.
	Development Timeline		Formal development began in 2021 with content scope outlines published and pilot testing in 2022, sample items published in 2023, and Field Test and Prototype Exam occurring in 2024 ahead of first administration in July 2026.
	Management	Coordination and Management of Work and Timelines	NCBE managed.
		Documentation of Processes	Some information available to the public; detailed internal process documentation not available.
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 for some venues.

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

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

PUBLIC COMMENT

Prior to each CBE and Board meeting, as well as the joint meetings with CBE and the Board, written public comment is solicited, and the public is also invited to provide their comment verbally at the outset of each meeting. Between the August 14, 2025, and March 13, 2026, meetings, the following public comment centered around several major themes regarding the future of the bar exam:²⁴

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

- **Need to Test California-specific Law:** A coalition of 60 bar associations, led by the Los Angeles County Bar Association (LACBA), expressed strong opposition to adoption of the NextGen UBE without a California component, arguing that it will not adequately test California-specific law, such as Community Property which would have downstream effects on law schools and content covered that is relevant in the state.
- **No Need to Rush a Decision:** That coalition of bar associations also argue that it is imprudent and unnecessary to make a long-term decision now. They note more time is needed to determine review data once NextGen is operational; a long-term decision can be made at that time.
- **Need to Test Essays:** Some critics object to the elimination of essay questions as a tool to assess minimum competence.
- **Financial Arguments:** Opponents introduced specific financial warnings in March, estimating that adopting NextGen will cost the State Bar an additional \$15 million to \$20 million in licensing fees over five years (roughly \$300 extra per examinee). They argue the State Bar, currently running a deficit, cannot afford this—nor can it afford the early termination fees required to break its contract with Kaplan.
- **Technology Arguments:** Critics highlighted that NextGen's January 2026 beta testing yielded a two to three percent laptop failure rate. They contrast this with the State Bar's own First-Year Law Students' Exam, which achieved a lower two percent issue rate using Prometric, arguing NextGen's unproven technology is a liability.
- **Support for a California Hybrid/Nevada Plan:** Some legal professionals advocated for a California-developed exam or a hybrid "Nevada Plan". This format could reduce the

²⁴ The comment summaries represent the views of the commenters. Even where clearly inaccurate, they are not corrected.

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

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

2. Demand for Remote Testing and Accommodations

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

3. Opposition to Exam Fee Increases

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

4. Alternative Licensing Proposals

- **Earlier Return to Kaplan MCQs:** Supporters of a California-specific exam urge the Board to petition the Court to invoke its plenary authority over attorney admissions to waive the statutory notice period and return to the Kaplan developed MCQs earlier than the proposed 2028 date.

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

STAKEHOLDER SURVEYS

To assist the Board and the CBE as it was considering several options to evaluate and recommend to the Court, and understand what they felt were important considerations, the State Bar surveyed law school deans in California, California licensed attorneys, and current and prospective examinees.²⁵

Survey response rates for these groups were:

- Deans of California law schools
 - ABA: 94 percent (17 out of 18);
 - CALS: 94 percent (15 out of 16);
 - Unaccredited: 88 percent (7 out of 8)
- Current licensees: 5 percent (12,123 out of 257,347)
- Current and prospective examinees: 6 percent (1,652 out of 28,594)²⁶

Factors Influencing Option Selection

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

Portability of exam score
 Use of professional test developers
 Assessment of California law and competence
 Frequency of administration
 Remote administration
 Small-site administration

²⁵ As noted in the main body of the report, members of the Board and the CBE were also surveyed. Those surveys, however, represented only the preliminary thinking of individual survey respondents, and were conducted for the purpose of organizing the discussion at the January 2026 joint meeting. The respondents were encouraged to answer, noting the likelihood that their viewpoints would change following a robust discussion with their colleagues.

²⁶ Denominators used for the calculation of response rates reflects the number of surveys delivered via email (excludes "bounce backs").

- Flexible scheduling
- Innovative test design
- Alignment with most U.S. bar jurisdictions
- Long-term continuity
- Focus on applied skills

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

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

Factor	Deans (n=39) ¹	Licensees (n=12,022) ²	Examinees (n=1,640) ²	Total (n=13,699) ²
Alignment with US jurisdictions	72%	65%	83%	67%
Assessment of California law	62%	86%	61%	83%
Exam score portability	67%	57%	83%	61%
Flexibility in scheduling	41%	30%	38%	31%
Focus on applied skills	72%	71%	78%	72%
Frequency of administrations	28%	24%	72%	30%
Innovation in test design	18%	14%	42%	17%
Long-term continuity	82%	69%	74%	70%
Remote administration	31%	13%	59%	18%
Small-site administration	21%	14%	48%	18%
Use of professional test developers	82%	52%	57%	52%
Access considerations ³		40%	68%	43%
Cost considerations ³	--	41%	80%	45%
Cost and access considerations ³	69%	--	--	--

Notes:

¹All deans responded to all questions.

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

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

Preferred Exam Options

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

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

Table B-2. Exam Options Identified for Survey Respondents

Language of Survey Administered to Law School Deans	Language of Survey Administered to Licensees and Prospective Examinees
<p>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).</p>	<p>Same</p>
<p>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.</p>	<p>Same</p>
<p>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.</p>	<p>Same</p>
<p>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.</p>	<p>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.</p>

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

The table below reflects percent of each survey group that ranked each option as their highest or second highest preference.

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

Exam option	ABA	CALS	Unac-credited	Licensees	Current and Prospective Examinees
New exam, Kaplan as bridge	18%	20%	29%	53%	17%

New exam, NextGen with CA component as bridge	6%	20%	14%	53%	19%
New exam, NextGen without CA component as bridge	12%	13%	0%	17%	21%
New streamlined exam (MCQs and PT)	12%	33%	43%	8%	31%
New streamlined exam with test for client skills	12%	40%	29%	8%	23%
New streamlined exam, Kaplan as a bridge				11%	10%
NextGen with CA component	71%	47%	43%	28%	35%
NextGen without CA component	71%	27%	43%	12%	38%

The table below reflects the percent of each survey group that ranked each option as their lowest or second lowest preference.

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

Exam option	ABA	CALS	Unaccredited	Current Licensees	Current and Prospective Examinees
New exam, Kaplan as bridge	71%	53%	29%	15%	48%
New exam, NextGen with CA component as bridge	35%	33%	29%	3%	13%
New exam, NextGen without CA component as bridge	24%	13%	29%	20%	21%

New streamlined exam (MCQs and PT)	29%	20%	29%	23%	10%
New streamlined exam with test for client skills	41%	27%	14%	28%	17%
New streamlined exam, Kaplan as a bridge				21%	34%
NextGen with CA component	0%	20%	29%	25%	24%
NextGen without CA component	0%	33%	43%	55%	25%

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

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

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

In summary, the most important factors overall were assessment of California law, focus on applied skills, long-term continuity, alignment with US jurisdictions, alignment with the knowledge, skills, and ability required for entry-level practice in California (presented only to the deans) and exam score portability. Those factors were generally important to all three groups. Examinees rated administration factors including frequency of administration, flexibility in scheduling, remote administration and small site administration as more important than the other two groups did.²⁷

²⁷ For a more detailed comparative analysis, see <https://calbar.primegov.com/api/compilemeetingattachmenthistory/historyattachment/?historyId=89857743-49ef-4e38-b4d1-ca120aed5ab9>, presented at the January 2026 joint meeting of the Board and the CBE. For in depth analyses of each survey, see

APPENDIX C: COMPARISON OF CONTENT AND SKILLS TESTED

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

CONTENT

Current Exam	New Exam (as originally directed by the Supreme Court)	NextGen UBE
Civil Procedure*	Civil Procedure	Civil Procedure
Constitutional Law*	Constitutional Law	Constitutional Law
Contracts*	Contracts	Contracts
Criminal Law and Procedure*	Criminal Law and Procedure	Criminal Law and Constitutional Protections
Evidence*	Evidence	Evidence
Real Property*	Real Property	Real Property
Torts*	Torts	Torts
Community Property	Family Law	Family Law (starting 7/28)
Differences Begin Here		
Business Associations		Business Associations
	Administrative Law and Procedure	
	Employment Law	
Trusts		Trusts and Estates (in skills questions)
Wills and Succession	Estate Planning, Trusts, and Probate	Trusts and Estates (in skills questions)
Professional Responsibility	Professional Responsibility	Professional Responsibility
Remedies		

SKILLS AND ABILITIES

<https://calbar.primegov.com/api/compilemeetingattachmenthistory/historyattachment/?historyId=a2c76963-0f77-42aa-99c2-31f71d1f81f2> (law school deans);
<https://calbar.primegov.com/api/compilemeetingattachmenthistory/historyattachment/?historyId=335905e5-3824-4d1c-bdde-b43fff73ace5> (licensees); and
<https://calbar.primegov.com/api/compilemeetingattachmenthistory/historyattachment/?historyId=8d8b9f15-502b-4d3c-ae24-bb2937613da0> (prospective examinees).

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

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

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

August 14, 2025, Joint Meeting

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

October 10, 2025, CBE Meeting

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

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

January 23, 2026, Joint Meeting

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

PROS AND CONS OF THREE FUTURE BAR EXAM OPTIONS

OPTION ONE:

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

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

OPTION TWO:

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

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

OPTION THREE:

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

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

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

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

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

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

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

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

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

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

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

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

	<p>over longer periods of time, remotely, at different dates. The State Bar can make decisions about timing and modality that make the most sense for the State Bar, including reduction of resource intensive exam administration processes and procedures.</p> <p>California-specific content will not be covered on the NextGen bar exam, nor would California be in a position to dictate or adjust the exam content (e.g., testing cultural competencies, or emphasizing administrative law or employment law).</p> <p>Allows for innovative test design.</p> <p>Would allow precise alignment with the KSAs based on the CAPA recommendations, aligning with the subjects most critically and frequently needed for entry level attorneys and ensure the exam is appropriately assessing minimum competence.</p>	<p>development</p> <ul style="list-style-type: none"> • Significant time and focus on development efforts • Considerable resources • Large bank of questions that must be continuously replenished, revised, and updated • Repeated practice analyses and content validation studies to ensure that the exam continues to measure minimum competence <p>The KSAs derived from the NCBE attorney practice analyses are comparable to California’s, so the exam is likely to test the areas that entry-level attorneys need to know to practice effectively in California.</p> <p>Allows reliance on professional test developers for initial and ongoing test development, pre-testing of questions, and content validation processes.</p> <p>Improve stakeholder relations: ABA deans (per letter sent in advance of the August 14 joint</p>	<p>over longer periods of time, remotely, at different dates. The State Bar can make decisions about timing and modality that make the most sense for the State Bar, including reduction of resource intensive exam administration processes and procedures.</p> <p>California-specific content will not be covered on the NextGen bar exam, nor would California be in a position to dictate or adjust the exam content (e.g., testing cultural competencies, or emphasizing administrative law or employment law).</p> <p>Simpler, more streamlined exam development process than Option 1.</p> <p>The State Bar is already working with a vendor to develop questions; resources currently used could be focused on multiple-choice and performance test development (although subject matters of multiple-choice</p>
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		<p>Board/CBE meeting) support going to NextGen.</p> <p>California-specific content could be tested on the afternoon of the second day of the bar exam, allowing more alignments with the KSAs identified as part of the practice analysis.</p>	<p>questions may need to be changed).</p> <p>Builds on existing investment in the multiple-choice and pt development.</p> <p>Reducing the number of multiple-choice questions would make the growing bank of questions more valuable, as the questions could be used less frequently and risk less exposure.</p> <p>Eliminating essay development and grading would reduce costs associated with managing a large pool of contractors.</p>
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Goals and Objectives Accomplished by Selection of the Option

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

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

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

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

<p>Innovation</p>	<p>Allows for an innovative exam with respect to the types of questions possible (simulations, gamified assessments), the timing, frequency, and possibility for bifurcation.</p>		<p>Allows innovation with respect to timing, frequency, and possibility for bifurcation.</p>	
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Extent to Which Technological Requirements to Implement these Changes Impose Undue Financial Burden on Examinees

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

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 Examroom Licensed & Onsite Support)	NCBE License Costs (MBE / NextGen USE)	MBE / Grading	Question Development (MCQ)	Question Development (Essay & PT)	Content Validation (Subject Matter Review)	EDG Team	Delivery and Printing	Admissions Staff & 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					987,360		212,009		\$29,718	
February 2026 Bar Exam Costs (estimated)	1,261,584	0	905,936	343,000	283,107	77,586					68,321		81,211		15,851	
Yearly Cost of Current Agreement Based on either July 2025 + February 2026 (estimated expenses at 2025 annualized expense)	2,804,305	0	2,547,977	1,154,207	619,508	270,790	0	15,000		330,000	105,682	8,938,986	194,730	100,000	45,573	
OPTION: New Exam (per S-C 10/2024 Order) / Kaplan as a bridge	=	=	=	=	↕	=	***	***	↑	≈ / ↓	=	***	=	=	=	<ul style="list-style-type: none"> *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.

**STATEMENT FOR THE RECORD
OF CHRISTOPHER S. REED
MEMBER, COMMITTEE OF BAR EXAMINERS**

APRIL 17, 2026

Item 4.7 of the agenda for today’s meeting calls for a final recommendation to the Board of Trustees and, in turn, the Supreme Court on the bar exam beginning in 2028. The resolution as drafted would recommend adoption of the NextGen Uniform Bar Exam without a California component, to be administered beginning in July 2028.

I am unable to attend today’s meeting due to a prior commitment that predates my appointment to the Committee, but were I able to attend, I would vote in favor of the resolution as drafted.

I continue to support an admissions process that more properly aligns with the actual practice of law, and I remain hopeful that California moves in that direction eventually. That said, I am unpersuaded that we have the capabilities or resources required to implement such a process properly and reliably within the time constraints imposed by the National Conference of Bar Examiners’ withdrawal of the Multistate Bar Exam from the marketplace and the notice requirements of Business & Professions Code § 6046.6. The consequences of getting this wrong — for applicants, for the profession, and for the Committee, Board, and Court — are too significant to accept that level of risk right now.

I do not approach NextGen UBE without reservations, and recognize that it, too, comes with its own risk and uncertainty. Still, I believe it is the safest and most prudent course for the near term, in part because we are not leaping into the unknown alone. With at least 48 other jurisdictions making the same transition, any implementation problems that arise will generate enormous collective pressure — and real market incentive — to develop solutions quickly. If something goes sideways, we will have company, and the infrastructure to find fixes fast. That kind of support system simply does not exist for a fully independent path. The February 2025 exam taught us what that looks like in practice.

I hope the Committee votes to adopt the resolution and advance it to the Board and the Supreme Court for their approval. Once this decision is behind us and the immediate time constraints are lifted, I look forward to continuing the conversation about longer-term reform and what a more ambitious, California-specific, and hopefully more practice-oriented approach might one day look like. I see this as a pause to a more fulsome discussion about the future of bar admissions in California, not a door closing.

CBE's Obligation to the Public and Profession – Cautious Approach

1. Feb 2025 entailed a rush to contract with a “trusted vendor” in Meazure Learning
 - a. September 30, 2024 Meazure CBE presentation: “More than 2,200 customers” and “[m]ore than 20 years working with High Stakes, windowed exams.”
 - b. Despite Meazure’s reputation, history, large customer base we should not have rushed.
2. Particularly after February 2025, we owe the public and profession assurance that we selected the absolute best exam after complete due diligence on all options.
 - a. Urging a cautious approach: Nearly all public comments, 63 bar associations and disability organizations.
 - b. Nevada claims that its exam is superior and better test of minimum competence, skills, and control over exam. Will have performance data in 2027 that exceeds Nextgen.
 - c. We should also spend more time thinking about the potential for a California exam or California Nextgen supplement. Let’s see what we can accomplish.
3. We do not have crucial performance and technological data on Nextgen.
 - a. No analysis of content and if it meets our standards and goals, pass rates (minorities/gender), disability accommodations. Data available in 2027-2028.
 - b. No information on technology failure rate during large scale delivery. 2-3% failure rate at Nextgen beta test would equal 400 failed laptops in California. Will know in 2028.
4. Initial feedback of Nextgen content from our own expert graders is troubling (threatening to quit)
 - a. State Bar staff report, page 14: “[S]everal of the California graders expressed their dislike for the questions, feeling that essays were a better way to test minimum competence than the short answers they graded in the NextGen UBE . . . Some indicated they would likely not continue as graders if the NextGen UBE is adopted.”
 - b. Little downside in waiting short time for complete data vs huge long term risk in rushing into the wrong exam.
5. We do have performance data/metrics on Kaplan drafted questions
 - a. State Bar staff report, Page 6: “Kaplan-developed MCQs . . . showed high reliability and strong performance of the questions and validity of the exam. Nonetheless, the State Bar has added significant rigor to the content validation process to ensure that all items are reviewed so they appropriately test for minimum competence, are free from bias, are consistent, and are legally accurate.”
 - b. Staff repeatedly assures that the Kaplan questions “will not substantially modify the training or preparation required for passage of the exam”¹

¹ <https://www.calbar.ca.gov/news/state-bar-kaplan-sign-five-year-california-bar-exam-development-contract>

FURTHER RESOLVED, that the Committee of Bar Examiners, now having considered and adopted the Risk-Benefit Analysis, as required by California Rules of Court, makes a final recommendation to the Board of Trustees, for their review and approval, that it postpone a decision on the long-term future of the bar exam to 2028, using rigorously validated Kaplan-designed questions as a temporary bridge, and that this recommendation be advanced to the Supreme Court for its approval.

EXHIBIT 22

RESOLUTION ADOPTED BY THE COMMITTEE OF BAR EXAMINERS

Agenda item 4.7: Adoption of the Risk-Benefit Analysis of Bar Exam Options, as Required by California Rule of Court 9.6(b), Including Reporting on Cost and Efficiency as Required by Business and Professions Code § 6046.2; Action on Final Recommendation to the Board of Trustees and the California Supreme Court on the Bar Exam Starting in 2028

WHEREAS, on October 10, 2024, following the Board’s submission of the Blue Ribbon Commission on the Future of the Bar Exam’s (BRC) recommendations, the California Supreme Court issued an order adopting changes to the California Bar Exam that would require the development of a California-specific bar exam;

WHEREAS, the National Conference of Bar Examiners (NCBE) will discontinue offering the Multistate Bar Examination (MBE) – which the State Bar has historically used for the multiple-choice question component of the bar exam – after the administration of the February 2028 bar exam;

WHEREAS, pursuant to Business and Professions Code section 6046.6(a) and California Rule of Court, rule 9.5(a), the State Bar must give at least two years’ notice if it alters the bar exam in a manner that requires the substantial modification of the training or preparation required for passage of the exam;

WHEREAS, following the February 2025 bar exam, the Supreme Court ordered the State Bar to return to using the MBE for the multiple choice section of the bar exam and the Committee of Bar Examiners (Committee) and Board of Trustees (Board) assessed the lessons learned from that administration, and the Board and the Committee determined it was appropriate to reevaluate the future of the bar exam, including the bar exam that would be offered beginning after the MBE sunsets;

WHEREAS, in reevaluating the future bar exam, since May 2025 the Committee and Board have reviewed extensive materials and feedback from stakeholders, have had discussions with experts, and have considered extensive additional information about the NextGen UBE that was not available when the BRC made their recommendations in 2023 or when the Supreme Court issued its order in October 2024;

WHEREAS, on January 23, 2026, the Committee recommended that the Board recommend to the California Supreme Court that the NCBE’s NextGen UBE without a California component be administered as the bar examination in July 2028;

WHEREAS, following the January 23, 2026, meeting, the Committee has developed a risk benefit analysis as required by California Rule of Court, rule 9.6(b) and Business and Professions Code section 6046.2;

WHEREAS, pursuant to California Rule of Court, rule 9.6, the Committee is responsible for administering the bar examination and in carrying out those responsibilities may utilize the services of third parties to prepare bar exam questions provided that the vendor has no financial interest in other matters that might create a conflict of interest with the State Bar or with the vendor's ability to draft fair and reliable exam questions, subject to review and approval by the Board;

NOW, THEREFORE, THE COMMITTEE OF BAR EXAMINERS RESOLVES AS FOLLOWS:

RESOLVED, that the Committee of Bar Examiners, pursuant to California Rule of Court, rule 9.6(b) adopts the Risk-Benefit Analysis, attached hereto as Exhibit A, as amended to include a discussion of the input of California bar exam graders as reflected in the staff report; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners authorizes staff, in collaboration with the Committee Chair, to revise the Risk-Benefit Analysis set forth in Attachment A prior to presentation to the Board of Trustees in May 2026 to make technical, nonsubstantive, or grammatical edits and to update the numbers in Table 9 to reflect actual expenditures on the February 2026 bar exam in lieu of the budgeted amounts, if these expenditures are timely finalized; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees direct staff to transmit the risk-benefit analysis to the Legislature to satisfy the reporting obligation set forth in Business and Professions Code section 6046.2; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners, now having considered and adopted the Risk-Benefit Analysis, as required by California Rules of Court, makes a final recommendation to the Board of Trustees, for their review and approval, that the NextGen UBE without a California-specific component be administered as the bar examination beginning in July 2028, and until such time as a California-specific component is developed, and that this recommendation be advanced to the Supreme Court for its approval; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners directs staff, as part of submitting this recommendation to the Board and the Court, to seek direction from the California Supreme Court on which subjects and skills should be tested on a California-

specific component to be added to the NextGen UBE and thereafter, for staff to develop a California-specific component consistent with that direction to be delivered at the earliest opportunity.

I hereby certify that the foregoing is full, true and correct copy of the resolution adopted by the Committee of Bar Examiners at its meeting held on April 17, 2026.

Devan McFarland

Devan McFarland, Committee Coordinator

VOTE

Moved by Kramer, seconded by Cao

Ayes – (8) Bolton, Cao, Kramer, Lawrence, Lee, Reyes, Reyna, Yochelson

Noes – (4) Gongora, Montgomery, Silva-Guzman, Smith

Abstain – (0)

Recuse – (0)

Absent – (4) Burns, Kaplan, Mesiwala, Reed

Motion carried.