

**S296951**

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

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

**REQUEST THAT THE SUPREME COURT APPROVE  
RECOMMENDATIONS FOR CHANGES TO  
CALIFORNIA BAR EXAMINATION TO BE  
ADMINISTERED STARTING IN JULY 2028**



PREPARED BY  
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## I. INTRODUCTION

The State Bar of California submits this petition advancing the recommendations of the Board of Trustees and the Committee of Bar Examiners (CBE) on the California Bar Exam to be administered beginning in July 2028. Specifically, both the Board and the CBE recommend that the National Conference of Bar Examiners' (NCBE) NextGen Uniform Bar Exam (NextGen UBE) be administered beginning in July 2028, until such time that a California-specific component is developed.

To ensure that the State Bar develops a California-specific component that is consistent with this Court's goals, in recommending the NextGen UBE, the CBE and the Board specifically directed staff to seek additional direction from this Court on the subjects to be tested on the California-specific component, and whether those subjects should test California law or laws of general application, and the skills to be tested, so that the State Bar can develop a California-specific component for delivery at the earliest opportunity, subject to the statutory notice requirements for changes to the bar exam.

In compliance with California Rules of Court, rule 9.6(b), the CBE conducted and adopted a risk-benefit analysis that was

considered by the CBE and the Board in making their recommendations to this Court. The risk-benefit analysis is transmitted to the Court with this petition.<sup>1</sup> (Volume 1 of the Appendix of Exhibits (AE), Ex.1 [Exploring Options for the Future Bar Examination in California: A Risk-Benefit Analysis] at pp. 4–88.)<sup>2</sup>

To ensure the State Bar can comply with the statutory requirements for providing notice in advance of making changes to the bar exam beginning in July 2028, the State Bar respectfully requests this Court’s order in response to this petition by July 15, 2026.

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<sup>1</sup> California Rules of Court, rule 9.6(b) refers to a cost-benefit analysis. Because the analysis evaluates considerations in addition to cost, the State Bar refers to this as a risk-benefit analysis. The analysis nonetheless assesses the criteria set forth in California Rules of Court, rule 9.6(b).

<sup>2</sup> Hereafter, all references to exhibits refer to exhibits included in the AE. The volume number precedes the “AE” for each citation to the appendix and is followed by the exhibit number (i.e., 2AE.Ex.12 at p. 298 refers to the second volume of the appendix and exhibit number 12, located at page 298 of the appendix.)

## **II. DEVELOPMENT OF A CALIFORNIA BAR EXAM**

### **A. The Recommendations of the Blue Ribbon Commission on the Future of the Bar Exam and Change of Vendor for the February 2025 Bar Exam**

In 2018, the Board and this Court created the California Attorney Practice Analysis (CAPA) Working Group to evaluate the knowledge, skills, and abilities required of entry-level attorneys in California to practice law ethically and competently. The working group concluded its work in 2020 and, thereafter, this Court and the Board established the Blue Ribbon Commission on the Future of the Bar Exam (BRC) to develop recommendations concerning whether and what changes to make to the California Bar Exam. The BRC's final report was submitted to this Court in June 2023.<sup>3</sup> On October 10, 2024, this Court issued an order adopting many of the BRC's recommendations, including the recommendation to develop a California-specific bar exam. (1AE.Ex.2 [California Supreme Court Order Concerning Recommendations of the Blue Ribbon Commission on the Future of the Bar Exam and the Alternative Pathway Working Group, dated October 10, 2024] at pp. 89–97.)

While a decision on the BRC's recommendations was pending, the State Bar explored how to reduce costs of administering the bar exam and provide greater flexibility as to how the bar exam could be delivered, which resulted in the State Bar's petition seeking an order that would allow the State Bar to administer contractor-developed multiple-choice questions in lieu of the Multistate Bar Examination (MBE) developed by the NCBE. (See Case No. S287231.)

On October 22, 2024, this Court filed an order approving the State Bar's request to modify the California Bar Exam to allow the State Bar to administer multiple-choice questions on the bar exam that were not developed by the NCBE. (1AE.Ex.3 [California Supreme Court Order Approving Modifications to the California Bar Examination, filed October 22, 2024, Case No. S287231] at pp. 98–100.) For the first time in decades, in February 2025, the State Bar did not administer the NCBE's MBE for the multiple-choice portion of the bar exam and instead utilized questions that were part of the First-Year Law Students'

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<sup>3</sup> In December 2023, a separate proposal for a pilot portfolio bar exam prepared by dissenting members of the BRC was transmitted to this Court.

Exam question bank or had been developed by Kaplan Exam Services, LLC (Kaplan) or ACS Ventures, LLC. (See Request That the Supreme Court Approved Proposed Raw Passing Score and Scoring Adjustments for the February 2025 California Bar Examination, dated April 29, 2025, Case No. 290627 at pp. 6–31 [discussing multiple-choice question development, selection, and scoring for the February 2025 bar exam].)<sup>4</sup>

As the Court is aware, both during and following the February 2025 bar exam, test takers reported experiencing unacceptable technological issues during the exam.

(*Id.* at pp. 31–34.) On May 2, 2025, the Court ordered the State Bar to return to using the MBE for the July 2025 bar exam.

(1AE.Ex.4 [California Supreme Court Order Approving Raw Passing Score and Scoring Adjustment for the February 2025 California Bar Examination, dated May 2, 2025,

Case No. 290627] at pp. 101–103.) The State Bar has continued to utilize the MBE since the issuance of that order.

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<sup>4</sup> During the COVID-19 pandemic, in October 2020, the NCBE supplied multiple-choice questions that were administered during the remote administration of the bar exam. While the multiple-choice questions were supplied by the NCBE, they were not a full 200-question MBE.

**B. Supreme Court and Legislative Directives on Evaluating Changes to the Bar Exam**

In May 2025, this Court proposed modifications to title 9 of the California Rules of Court addressing, among other issues, the roles and responsibilities of the Board and the CBE, including with respect to changes to the bar exam. Following feedback and recommendations from the Board and the CBE, this Court ultimately adopted amendments to the rules on September 25, 2025. (1AE.Ex.5 [California Supreme Court Order Approving Recommended Changes to the Court’s Proposed Amendments to Title Nine of the California Rules of Court, filed September 25, 2025] at pp. 104–198.) Specifically, rule 9.6(b) now provides that “[a]ny changes to the bar examination that require substantial modification to the training or preparation required for passage of the examination or that substantially modify the method by which the examination is administered must be approved by the Supreme Court.” The rule also requires the CBE to submit a cost-benefit analysis to assess any proposed changes to the bar exam. (California Rules of Court, rule 9.6(b)(1)–(6).)

Additionally, in October 2025, the Governor signed two bills that address future changes to the bar exam. Senate Bill 253

(Stats. 2025, ch. 405, § 4) amended Business and Professions Code section 6046.6 to set forth notice requirements if the State Bar changes the vendor or creator of multiple-choice questions to a vendor other than the NCBE or seeks to authorize a remote exam. (Bus. & Prof. Code, § 6046.6, subd. (a)(1)–(3).) Specifically, the statutory language now requires 18-months’ notice to change the vendor or creator of the multiple-choice questions and two-years’ notice to authorize remote administration of the exam. (*Ibid.*) The changes also require at least 120-days’ notice if the State Bar proposes changes that affect the user experience with testing software or changes to how the test materials are provided. (Bus. & Prof. Code, § 6046.6(d).) Assembly Bill 484 (Stats. 2025, ch. 155, § 1), amended Business and Professions Code section 6046.2 to require the CBE to provide a report to the Board, Court, and Legislature by November 30, 2026, on whether adopting a uniform bar exam would be more efficient to administer and lower the cost of administration for the State Bar and test takers. (Bus. & Prof. Code, § 6046.2.)

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**C. The Board and the CBE Have Thoroughly Considered the Available Options for Future Bar Exams Consistent with the California Rules of Court and Statute**

At the time of the February 2025 bar exam, the State Bar had only begun evaluating the implementation of the Court's order on the BRC recommendations and anticipated that it would take several years to develop a new bar exam consistent with the order once development efforts began in earnest. (See 1AE.Ex.6 [CBE Open Session Minutes: January 31, 2025] at p. 203 [reflecting discussion of agenda item 4.1 and development of a steering committee].) Following the February 2025 bar exam, and in light of the experience of and impact on test takers and the State Bar, following consultation with the Court's liaison, State Bar staff advised the Board and the CBE that the Court was willing to consider a new recommendation on future administrations of the bar exam, and the CBE and the Board began evaluating whether there should be an alternate recommendation to the Court for future bar exams.<sup>5</sup>

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<sup>5</sup> The CBE and the Board were advised that unless and until the Court issued a new order on the future of the bar exam, the order on the BRC recommendations remains operative. (See, e.g., 3AE.Ex.15 at pp. 444, 461 [referring to whether the Board and

Significantly, because the NCBE had announced that it was discontinuing the MBE with the February 2028 administration being the last administration in which the MBE can be utilized, the State Bar could not continue offering those questions as part of its exam indefinitely and had to evaluate how to proceed once the MBE was retired.

**1. The Board and the CBE Began Evaluating Proposals for a New Bar Exam in May 2025**

On May 22, 2025, the Board began consideration of a recommendation on a future bar exam by adopting guiding principles to set a foundation for the development and administration of the bar exam.<sup>6</sup> (1AE.Ex.7 [Board Open Session Minutes: May 22–23, 2025] at pp. 226–227.) The CBE considered

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the CBE recommend continuing with the order on the BRC recommendations or proposing an alternative to the Court]; 4AE.Ex.16 at p. 727 [discussion of whether to continue with development of an exam consistent with the order on the BRC recommendations or develop and alternative recommendation].)

<sup>6</sup> This petition discusses the development of the recommendations of the CBE and the Board in chronological order and includes all relevant supporting materials in the appendix. The staff report for the May 14, 2026, Board meeting provides a summary of the actions of both the CBE and the Board in developing these recommendations. (6AE.Ex.23 [Board Staff Report and Attachments thereto for Agenda Item 6.6, dated May 14, 2026] at pp. 1190–1298.)

the Board's action with respect to the guiding principles at its June 2025 meeting and began discussing recommendations for future bar exams but deferred making any decision at that time. (1AE.Ex.8 [CBE Open Session Minutes: June 20, 2025] at p. 238.)

On August 14, 2025, the Board and the CBE held a joint meeting to discuss the future of the bar exam. During that meeting, staff presented on the background leading to the Board and the CBE's renewed consideration of the future of the bar exam and described three potential options for a recommendation to the Court, including: (1) transitioning back to Kaplan-developed multiple-choice questions but maintaining the existing exam format (i.e., 200 multiple-choice questions, five one-hour essay questions, and one 90-minute performance test) until the State Bar developed a new exam consistent with the Court's order on the BRC recommendations; (2) transitioning to using the NextGen UBE with the option of adding a half day of California-specific testing; or (3) transitioning to an entirely new bar exam similar to the format adopted by Nevada. (1AE.Ex.9 [Joint Board/CBE Presentation, Staff Report, and Attachments thereto for Agenda Item 2.3, dated August 14, 2025] at pp. 244–278.) At the joint meeting, the CBE adopted the Board's guiding

principles for evaluating the options, with an additional principle of avoiding long-term vendor contracts to allow for flexibility in licensing innovation. (1AE.Ex.10 [CBE Open Meeting Minutes: August 14, 2025] at p. 282.) At the same meeting, both the CBE and the Board also considered that the NCBE’s last planned administration of the MBE was set for February 2028 and adopted a resolution to proceed on a timeline that would allow the two-year notice of changes to the bar exam to be provided no later than July 2026. (*Id.* at pp. 282–283; 1AE.Ex.11 [Board Open Meeting Minutes: August 14, 2025] at p. 290; see Bus. & Prof. Code, § 6046.6, subd. (a).)

## **2. Development of Risk-Benefit Analysis**

During its September 2025 meeting, the Board considered lessons learned from the February 2025 administration of the bar exam and the steps being taken to address the identified issues.<sup>7</sup>

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<sup>7</sup> Following the February 2025 exam, the State Bar has made a number of process improvements with respect to bar exam administration and development, including creation of a CBE Subcommittee on Exam Administration and a CBE Subcommittee on Exam Development, restructuring the Office of Admissions, development of rubrics for assessing vendors for bar exam administration, development of qualification standards for content validation panels and subject matter experts, and

(2AE.Ex.12 [Board Presentation for Agenda Item 6.1, dated September 18, 2025] at pp. 317–325.) The Board also reviewed the key components of the risk-benefit analysis required by both the California Rules of Court and Business and Professions Code section 6046.2 for making changes to the bar exam and reviewed a timeline for making a recommendation to this Court on the future of the bar exam, including that the Board would adopt a final recommendation to advance to the Court in May 2026. (*Id.* at p. 331.)

On October 10, 2025, the CBE had an initial discussion on the risk-benefit analysis required by California Rules of Court, rule 9.6(b) and Business and Professions Code section 6046.2. The staff report provided additional details regarding the three bar exam options originally posed in August at the joint meeting of the Board and CBE and provided preliminary analyses for three of the elements of the risk-benefit analysis. (2AE.Ex.13 [CBE Presentation, Staff Report, and Attachments thereto for Agenda Item 4.2, dated October 10, 2025] at pp. 339–382.)

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implementation of process improvements for bar exam contracts. (See 2AE.Ex.12 at pp. 317–325.)

The Board again considered the three options for a new bar exam to be administered beginning in July 2028 at its November 2025 meeting, as well as additional decisions that would need to be made for each option prior to submitting recommendations to the Court. (2AE.Ex.14 [Board Presentation, Staff Report, and Attachment thereto for Agenda Item 6.3, dated November 20, 2025] at pp. 383–434.) State Bar staff reported on the results of a survey of California law school deans regarding the development of the exam. (*Id.* at pp. 394–399.) Ninety-three percent of California law schools responded to the survey, and the overall highest ranked option was adopting the NextGen UBE with a California-specific component; the second highest ranked option was adopting the NextGen UBE without a California-specific component. (*Id.* at pp. 393, 409–411, 415–434.) The lowest ranked option for all three school types was a new California bar exam consistent with the Court’s October 2024 order.<sup>8</sup> (*Id.* at

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<sup>8</sup> In response to this survey, ABA-approved schools ranked adopting the NextGen UBE without a California component highest; California-accredited law schools ranked the NextGen UBE with a California component highest; and California-registered law schools ranked a streamlined approach, similar to Nevada, highest. (2AE.Ex.14 at pp. 431–433.)

pp. 431–433.) State Bar staff also provided information about how the NextGen UBE would be graded and reported that approximately 15 California bar exam graders would participate in grading the NextGen UBE beta test in January to further evaluate that process. (*Id.* at pp. 411–412.)

During the December 2025 CBE meeting, representatives from NCBE presented on the NextGen UBE and representatives from Nevada presented on its state-specific bar exam, then in development, which includes: (1) a 100-question multiple-choice exam taken during law school; (2) three two-hour performance tests taken after law school graduation; and (3) 40–60 hours of supervised practice in law school or after graduation. (3AE.Ex.15 [CBE Presentation, Staff Report, and Attachments thereto for Agenda Item 4.4, dated December 5, 2025] at pp. 466–696.)<sup>9</sup> The CBE had the opportunity to ask questions about each option, including questions about how each exam option would work if utilized in California.

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<sup>9</sup> Board members were encouraged to watch the presentation either live or through a recording of the meeting and the recording remains available at <https://www.youtube.com/watch?v=ieytjiUW6Q&list=PLB-btDr1uRXwy9P7vO2gIWCTiu5Rp0G-W&index=99>

The Board and the CBE held another joint meeting in January 2026 to further consider the options for a future bar exam and to arrive at a high-level recommendation for the bar exam to be tested starting in 2028 to allow staff to further develop the risk-benefit analysis. At that meeting, State Bar staff provided further updates on outreach to stakeholders, including surveys that had been sent to: California licensees, past and prospective bar exam applicants, disability rights organizations, and bar organizations. (4AE.Ex.16 [Joint Board/CBE Presentations, Staff Report, and Attachments thereto for Agenda Item 3.3, dated January 23, 2026] at pp. 700–821.) The preliminary analysis of these survey responses was provided to the Board and the CBE. (*Id.* at pp. 784–803.)<sup>10</sup> The responses further broke down the potential future bar exam options into eight separate options:

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<sup>10</sup> At the time of the January joint meeting, only a preliminary analysis of the survey results was available. The full analysis is set forth in table B-3 of the risk-benefit analysis and reflects that law schools and prospective test takers selected the NextGen UBE as their most preferred option, and only current licensees selected adoption of a new California exam as their preferred option (with the NextGen UBE with or without a California component as their lowest ranked options). (1AE.Ex.1 at p. 56.)

<b>Consistent with October 2024 Order</b>
1. 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 multiple-choice questions and California essays and performance tests.
2. 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 NextGen UBE without adding a California-specific component.
3. A new exam consistent with the October 2024 direction of the Supreme Court. Until the new exam is ready to administer (estimated 5+ year development timeline), use the NextGen UBE with a California-specific component.
<b>Nevada-Style Exam</b>
4. A new but streamlined California exam similar to the model adopted by Nevada. The exam would be limited to multiple-choice questions and performance tests and is intended to be ready for administration in July 2028.
5. 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).
6. A new but streamlined California exam similar to the model adopted by Nevada. Until the new exam is ready to administer, return to Kaplan-developed multiple-choice questions and California essays and performance tests.
<b>NCBE NextGen</b>
7. NextGen UBE with a California-specific component.
8. NextGen UBE without a California-specific component.

(See *id.* at pp. 783–797.)

At the January 2026 joint meeting, the Board and the CBE also heard a presentation from Kaplan and had an opportunity to ask questions about the development of bar exam questions under the existing contract. (*Id.* at pp. 804–810.) Six law school dean representatives also presented at the joint meeting to further discuss their recommendations on the future of the bar exam—most of whom supported adopting the NextGen UBE.<sup>11</sup> The Board and the CBE also considered identified risks and benefits of California-developed exams (including either the existing model or the Nevada model) as compared with the NextGen UBE, as well as a preliminary assessment of the cost impacts of the bar exam options as compared to the existing exam. (*Id.* at pp. 719–726.) State Bar staff also provided their observations from the January beta test of the NextGen UBE. (*Id.* at pp. 732–733.) Following discussion of the options, the CBE recommended adopting the NextGen UBE without a California-

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<sup>11</sup> Two law school representatives from each school type—ABA-approved schools, California-accredited schools, and California-registered schools—represented the schools. The representatives were selected by the school types they were representing.

specific component. (4AE.Ex.17 [CBE Open Meeting Minutes for Joint Board and CBE Meeting, dated January 23, 2026] at pp. 827–828.) The Board considered adopting the CBE’s recommendation but was not prepared at that meeting to recommend a single option and instead directed staff to conduct further research and development into two options for the July 2028 exam: the NextGen UBE without a California component and the use of Kaplan-developed questions. (4AE.Ex.18 [Board Open Meeting Minutes for Joint Board and CBE Meeting, dated January 23, 2026] at p. 835.)

**3. The Board and the CBE Evaluated the Risks and Benefits of the Bar Exam Options Identified by the Board**

On February 20, 2026, the CBE’s Subcommittee on Examination Development held its first meeting and discussed a preliminary draft of the risk-benefit analysis required by California Rules of Court, rule 9.6(b) and Business and Professions Code section 6046.2, that assessed the two options identified by the Board during the January 2026 meeting. (4AE.Ex.19 [Subcommittee on Examination Development Presentation, Staff Report, and Attachment thereto for Agenda Item 3.1, dated February 20, 2026] at pp. 836–895.)

Under the NextGen UBE option, the State Bar would purchase and administer the NextGen UBE, which would include 120 stand-alone multiple-choice questions, three performance tasks, and six integrated item sets. (See *id.* at pp. 842, 852–853.) The exam would be computer-based but administered in-person at State Bar-run test sites. (*Id.* at pp. 852–853.) Under the Kaplan option, the State Bar would continue offering a two-day in-person exam consisting of 200 multiple-choice questions, five essay questions, and one performance test. (*Id.* at pp. 841, 853.) All questions would be developed by the State Bar, pursuant to a contract with Kaplan, because the MBE is not being offered after February 2028. (*Ibid.*) The Kaplan option would allow the State Bar to review data from the first five administrations of the NextGen UBE (from July 2026 through July 2028) to determine whether the technology could sufficiently support California test takers, and whether the NextGen UBE aligns with California’s guiding principles. (*Ibid.*) The Kaplan option was not a long-term option, but rather a deferral of a final decision on the future exam until at least July 2029, and changes to the exam occurring some time after that decision; the timeline would be dependent on both the two-year statutory notice and any additional time needed to

develop an exam if the NextGen UBE was ultimately not selected. (*Ibid.*) The Subcommittee on Examination Development provided feedback on the draft analysis to further develop the risks and benefits for each of the two options.

On March 13, 2026, the Board and the CBE held their third joint meeting to review and provide additional feedback to staff on the draft risk-benefit analysis prior to the CBE adopting the final analysis. The Board and the CBE engaged in robust discussion regarding the options and provided feedback on the draft analysis. (5AE.Ex.20 [Joint Board/CBE Staff Report and Attachments thereto for Agenda Item 3.1, dated March 13, 2026] at pp. 899–1053.)

#### **4. The Final Recommendations of the CBE**

The CBE met in April 2026 to adopt the final risk-benefit analysis as required by California Rules of Court, rule 9.6(b) and Business and Professions Code section 6046.2 and to make a final recommendation to the Board for the bar exam to be administered beginning in 2028. (5AE.Ex.21 [CBE Staff Report and Attachments thereto for Agenda Item 4.7, dated April 17, 2026] at pp. 1054–1160.) Since the March 2026 joint meeting, State Bar staff updated the risk-benefit analysis to address the

following: (1) the possibility of offering a remote exam for each option; (2) the results of the NextGen UBE beta test; (3) grader costs; (4) anticipated stability of costs for the NextGen UBE fees; (5) public comment received; and (6) the number of tests forms the State Bar could anticipate if it elected to use the Kaplan multiple-choice questions. (*Id.* at pp. 1063–1069.) The CBE considered and adopted the final risk-benefit analysis and recommended that the Board direct staff to transmit the analysis to the Legislature to satisfy Business and Professions Code section 6046.2.<sup>12</sup> (5AE.Ex.22 [CBE Resolution for Agenda Item 4.7, dated April 17, 2026] at pp. 1161–1164.) The risk-benefit analysis ultimately concluded that adopting the NextGen UBE represented lower risk, lower cost, and the more operationally efficient approach to administering the bar exam starting in 2028. (5AE.Ex.21 at p. 1079.) After considering and approving the risk-benefit analysis, the CBE recommended that the Board approve the use of the NextGen UBE without a California-

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<sup>12</sup> In adopting the final analysis, the CBE directed staff to add feedback from the California bar exam graders who participated in the NextGen UBE grading beta test to the analysis. (5AE.Ex.22 at pp. 1163–1164.)

specific component to be administered as the bar exam beginning in July 2028, and until such time as a California-specific component is developed. (5AE.Ex.22 at pp. 1161–1164.) The CBE also directed staff, as part of submitting its recommendation to the Board and the Court, to seek direction from the Court on which subjects and skills to test on the California-specific component of the exam 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. (*Ibid.*)

#### **5. The Final Recommendations of the Board**

On May 14, 2026, the Board met to consider the final risk-benefit analysis, the CBE’s recommendations for the future California bar exam, and to make a final recommendation to the Court on the future of the bar exam. (6AE.Ex.23 [Board Presentation, Staff Report, and Attachment thereto for Agenda Item 6.6, dated May 14, 2026] at pp. 1168–1298.) As part of the discussion with the Board, State Bar staff noted that 50 jurisdictions had announced their intent to adopt the NextGen

UBE.<sup>13</sup> The only jurisdictions that had not adopted the NextGen UBE at the time of the Board’s meeting were: Louisiana and Puerto Rico (which cannot adopt the NextGen UBE), Nevada (which has adopted its own specific exam), and Arkansas and Montana (which have not announced their plans).<sup>14</sup>

Having reviewed the risk-benefit analysis and the recommendation of the CBE, the Board unanimously concurred with and adopted the CBE’s recommendations, and clarified the CBE’s recommendation to seek the Court’s direction on which subjects and skills should be tested on a California-specific component to be added to the NextGen UBE, and whether the

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<sup>13</sup> Jurisdictions include both states and territories.

<sup>14</sup> Louisiana does not plan to adopt the NextGen UBE because the state tests its civil law system, which is not covered on the NextGen UBE. Puerto Rico tests in both English and Spanish and therefore cannot adopt the NextGen UBE. The jurisdictions that have announced that they will be utilizing the NextGen UBE are adopting at different times between July 2026 and July 2028. Ten jurisdictions will begin offering the NextGen UBE in July 2026, 13 additional jurisdictions will begin offering the exam in July 2027, three additional jurisdictions will begin offering the exam in February 2028, and 23 additional jurisdictions will begin offering the exam in July 2028. Mississippi has not announced when it will begin offering the exam but has announced its intent to utilize the NextGen UBE. (National Conference of Bar Examiners, NextGen UBE, at <https://www.ncbex.org/exams/nextgen>> [as of June 5, 2026].)

subjects should test California law or laws of general application.

(6AE.Ex.24 [Board Certified Resolution for Agenda Item 6.6,

dated May 14, 2026] at pp. 1300–1302.)

### **III. THE COURT’S AUTHORITY TO ADOPT CHANGES TO THE CALIFORNIA BAR EXAM**

This Court has inherent power and plenary authority over the practice of law in California, including admission to practice.

The State Bar serves as the administrative arm of the Court for admissions matters. (Cal. Rules of Ct., rule 9.3.)

Under California Rules of Court, rule 9.5(a):

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

As described above, the CBE has recommended changes to the California Bar Exam—a prerequisite to be certified for admission to practice law—and those changes were reviewed and unanimously approved by the Board. Through this petition, the

State Bar seeks this Court's review and approval of those recommendations.

Further under California Rules of Court, rule 9.6, if the CBE proposes 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 examination is administered, such changes must be approved by the Court. In proposing such changes, the CBE must conduct and submit a risk-benefit analysis that assesses the criteria set forth in California Rules of Court, rule 9.6(b). As set forth above, the CBE and the Board participated in the development of the risk-benefit analysis, that analysis was adopted by the CBE, and was considered by the CBE and the Board in making their recommendations on the future bar exam.

Furthermore, California Rule of Court, rule 9.6(a)(1) permits the CBE—in carrying out its responsibility for administering the bar exam—to utilize vendors to prepare bar examination questions, subject to the review and approval by the Board. As set forth above, the Board has concurred in the CBE's recommendation to use the NCBE's NextGen UBE, thereby

satisfying their obligation to review and approve vendors for bar exam question development.

In making recommendations to the Court, the Board and the CBE had the benefit of information regarding the NextGen UBE that was not available to the BRC at the time they developed their recommendations in 2023. The design of the NextGen UBE and the responsibilities of administering jurisdictions has evolved throughout the development of the exam, and the State Bar provides the information below regarding how the exam would be administered in California, if ordered by this Court.

**A. If the Court Adopts the NextGen UBE, California Will Not Initially Test California Law**

As described in the risk-benefit analysis, using the NextGen UBE relinquishes State Bar control over exam content, but maintains some State Bar control over administration of the exam. Beginning in July 2028, the exam will test across nine subject areas: business associations and relationships, civil procedure, constitutional law, contract law, criminal law and constitutional protections of accused persons, evidence, family law, real property, and torts. The NextGen UBE will have three

sessions and each session will be three hours long. Each session will include 40 standalone multiple-choice questions, one performance task, and two integrated item sets.<sup>15</sup> The exam is computer-based and will be administered in person twice per year in February and July. The State Bar would be responsible for procuring, proctoring, and running the in-person test sites, including providing sufficient internet connection.<sup>16</sup> The State Bar would also remain responsible for evaluating and providing appropriate testing accommodations for applicants with disabilities. Significantly, the NCBE’s testing platform integrates several commonly used accommodations, including screen reading, speech-to-text, and stop-the-clock breaks. While the

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<sup>15</sup> Integrated item sets are either a “drafting set” or a “counseling set.” Drafting sets emphasize written analytical work; test takers are provided with a fact pattern and directed to draft or comment on a draft of a legal document. Counseling sets combine a fact pattern with two multiple-choice questions and four short answers. One of each will be tested in each three-hour session. Additionally, the performance tasks are either standard performance tasks, focusing on a single, longer writing assignment, or legal research performance tasks, which include a mix of multiple-choice, short-answer, and medium-answer questions.

<sup>16</sup> The NCBE charges a technology fee directly to applicants, which covers backup laptops for specified technological issues and one technical support person for every 100 test takers.

NCBE would train and calibrate exam graders, the State Bar would be responsible for selecting graders and grading exams. California would also set its own passing score for the exam.<sup>17</sup>

In recommending the NextGen UBE to the Court, the Board also directed staff to review NextGen UBE performance data after it is administered in California to ensure that the exam aligns with entry-level attorney practice in California. The data that the NCBE will provide to jurisdictions will allow California to conduct extensive research into applicant performance. The NCBE had indicated it will provide:

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<sup>17</sup> The State Bar currently offers the General Bar Exam, which is available to all eligible applicants, and the Attorneys' Exam, which applicants may elect to take if they have been licensed in another United States jurisdiction for at least four years prior to the date of the examination. The Attorneys' Exam consists of the written portion of the General Bar Exam. Because the NextGen UBE will not have segregable portions, all test takers will be required to take and pass the NextGen UBE and there will be no Attorneys' Exam. State Bar staff are exploring statutory changes that would remove reference to the Attorneys' Exam (see Bus. & Prof. Code, § 6062, subd. (a)(3)) to allow for exam portability, if approved by this Court at a later date, for attorney applicants. If and when a California component is adopted, the Court could require attorneys from other jurisdictions to complete and pass that component. The Court could also elect to allow attorneys licensed in other jurisdictions before the NextGen UBE was offered to be admitted to the State Bar of California upon passage of the California component and satisfaction of other requirements but without sitting for the NextGen UBE.

- Raw and scaled scores (for the MBE, the NCBE only provides scaled scores);
- Comparative performance at the question type level for both raw and scaled scores (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, and each of the two types of integrated question sets);
- Comparative performance by subject for the multiple-choice questions (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 multiple-choice questions); and
- Percentile analyses for performance in the different skill areas tested (beginning in 2028).

(See 5AE.Ex.23 at pp. 1232–1233.) Consistent with the Board’s direction, the State Bar will be able to utilize this data to assess the performance of both test takers and the NextGen UBE as a test of minimum competence.

**B. The State Bar Seeks This Court’s Direction on Future Development of a California Component for the Bar Exam**

The risk-benefit analysis adopted by the CBE and considered by the Board set forth differences between the current exam, the exam envisioned in the Court’s October 10, 2024, order on the BRC recommendations, and the NextGen UBE with

respect to the content and skills and abilities tested, which evidenced significant overlap, as reflected in the charts below:

### CONTENT

Current Exam	New Exam (as originally directed by the Supreme Court)	NextGen UBE
Civil Procedure* <sup>18</sup>	Civil Procedure	Civil Procedure
Constitutional Law*	Constitutional Law	Constitutional Law
Contracts*	Contracts	Contracts
Criminal Law and Procedure*	Criminal Law and Procedure	Criminal Law and Constitutional Protections
Evidence*	Evidence	Evidence
Real Property*	Real Property	Real Property
Torts*	Torts	Torts
Community Property	Family Law	Family Law (starting 7/2028)
Differences Begin Here		
Business Associations		Business Associations
	Administrative Law and Procedure	
	Employment Law	
Trusts		Trusts and Estates (in skills questions)
Wills and Succession	Estate Planning, Trusts, and Probate	Trusts and Estates (in skills questions)
Professional Responsibility	Professional Responsibility	Professional Responsibility
Remedies		

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<sup>18</sup> Asterisks denote subjects that have been tested on the MBE.

## SKILLS AND ABILITIES

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

(1AE.Ex.1 at pp. 64–65.)

Both the Board and the CBE recognized that by recommending the NextGen UBE, California would no longer test California-specific law on the exam. While a California-specific component cannot be developed in sufficient time to provide the required two-year notice for the July 2028 exam administration, both the CBE and the Board recommend development of a California-specific component of the exam to be administered at the earliest possible date, in compliance with statutory notice requirements. (5AE.Ex.22 at pp. 1162–1164; 6AE.Ex.24 at pp. 1300–1302.) To that end, the CBE and the Board directed staff to seek this Court’s direction on the subjects, and whether California law should be tested in those subjects, and the skills to

be tested for a California-specific component for future exams. (*Ibid.*) The CBE and the Board have discussed, for example, that the California-specific component could be added as a half-day of additional exam content following the NextGen UBE, or the California-specific component could be completed as a module or training completed prior to or after the exam. (5AE.Ex. 21 at pp. 16–18; 6AE.Ex.23 at pp. 1207–1209.) Likewise, the California-specific subjects tested could include all subjects identified in the October 10, 2024, order on the BRC recommendations or only a limited subset of subjects. To allow the CBE and the Board to efficiently and expeditiously develop a California-specific component, this petition seeks the Court’s direction on what subjects and skills the California-specific assessment should include. If approved by the Court, the CBE and the Board would make a future recommendation to this Court on the method of delivery and content maps for the California-specific component.

In accordance with the recommendations of the CBE and the Board, to deliver a California-specific component at the earliest opportunity, the State Bar anticipates that it would provide a recommendation to this Court on the California-specific

component no later than June 2027. If adopted by the Court, the statutory two-year notice would be provided no later than July 2027, so that the California-specific component could be administered beginning in July 2029.

#### **IV. CONCLUSION**

For the foregoing reasons, in accordance with the recommendations of the CBE and the Board, the State Bar respectfully requests that the Court issue an administrative order by July 15, 2026, that supersedes any existing and prior orders on the California bar exam and (1) directs that, beginning in July 2028, the State Bar will administer the NextGen UBE as the California bar exam, and (2) provides the State Bar direction on the content for a California-specific component of the exam so that it may be developed and delivered, as soon as possible, after the Court's order on future exams following the required notice.

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Dated: June 5, 2026

Respectfully submitted,

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By: /s/ Jean Krasilnikoff  
JEAN KRASILNIKOFF

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**WORD COUNT CERTIFICATE PURSUANT TO**  
**CALIFORNIA RULES OF COURT, RULE 8.520(C)(1)**

Pursuant to rule 8.520(c)(1) of the California Rules of Court, I hereby certify that this brief contains 5,520 words. I have relied on the word count of the computer program used to prepare the brief.

Dated: June 5, 2026

/s/ Jean Krasilnikoff  
JEAN KRASILNIKOFF