

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

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

**RENEWED REQUEST THAT THE SUPREME COURT  
APPROVE PROPOSED MODIFICATIONS TO THE  
CALIFORNIA BAR EXAMINATION**



PREPARED BY  
THE STATE BAR OF CALIFORNIA

**OFFICE OF GENERAL COUNSEL**

Ellin Davtyan (238608), General Counsel  
Kirsten Galler (227171), Deputy General Counsel  
Jean Krasilnikoff (280450), Assistant General Counsel  
Anik Banerjee (236960), Assistant General Counsel

180 Howard Street  
San Francisco, CA 94105  
Telephone: (415) 538-2369

845 South Figueroa Street  
Los Angeles, CA 90017  
Telephone: (213) 765-1000

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

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**I. INTRODUCTION**

For approximately two years, the State Bar of California (State Bar) has been evaluating how it can reduce the costs of administering the California Bar Examination—the largest cost center of the Admissions Fund, which is experiencing a structural deficit—in light of the soaring costs of annually administering over 13,000 bar examinations in-person at State Bar-run test centers. Through this petition, the State Bar, following the approval of the Committee of Bar Examiners (CBE), seeks an order modifying this Court’s last-issued order on the California Bar Examination—which includes the two-day General Bar Examination and the one-day Attorneys’ Examination—so that it can achieve these necessary cost savings. The requested modifications will allow the State Bar to efficiently administer the bar examination while ensuring examination security and integrity and eliminating unnecessary barriers to accessing the examination.

Specifically, the State Bar requests that this Court adopt an order that: eliminates reference to the Multistate Bar Examination (MBE); directs, consistent with prior orders, that the second day of the bar examination will consist of 200 multiple-choice questions covering constitutional law, contracts, criminal law and procedure, civil procedure, evidence, real property, and torts; and permits the bar examination to be delivered remotely and/or in-person at vendor-run or State Bar-run test centers. Such modifications will enable the State Bar to utilize multiple-choice questions developed by Kaplan Exam Services, LLC (Kaplan) rather than purchase the MBE from the National Conference of Bar Examiners (NCBE) and to engage ProctorU, Inc. d/b/a/ Meazure Learning (Meazure Learning) to administer the examination remotely or at Meazure Learning's test centers.

Accordingly, for the reasons set forth in this petition, this Court should adopt the attached proposed administrative order modifying the California Bar Examination.

## **II. CBE APPROVAL OF AND THIS COURT'S AUTHORITY TO ADOPT PROPOSED MODIFICATIONS TO THE CALIFORNIA BAR EXAMINATION**

Under rule 9.6(a) of the California Rules of Court, “[t]he Committee of Bar Examiners, pursuant to the authority delegated to it by the Board of Trustees, is responsible for determining the bar examination’s format, scope, topics, content, questions, and grading process, subject to review and approval by the Supreme Court. The Supreme Court must set the passing score of the examination.” As described below, the CBE has approved the requested modifications and has directed staff to seek an order from this Court approving those modifications, which is necessary to effectuate the changes to the bar examination.

### **A. CBE Took Necessary Actions to Approve the Proposed Modifications**

At the CBE’s April 19, 2024, meeting, the CBE approved a motion recommending that the Board of Trustees (Board) retain a new vendor to develop bar examination questions. (Appendix of Exhibits (AE), Ex. 17 [CBE Open Session Minutes: April 19,

2024] at pp. 166–167.)<sup>1</sup> This approval followed staff’s recommendation that a new vendor was necessary to allow for cost-effective bar examination administration approaches, including remote and vendor-owned test center administration. (Ex. 16 [CBE Staff Report for Agenda Item III.A, dated April 19, 2024] at pp. 133–140.) The CBE’s action in April was the culmination of previous CBE and Board discussions and stakeholder forums regarding the need to explore alternative methods of administering the bar examination, given the increasing costs of administration and the impending Admissions Fund deficit, as further explained in Section IV.A.–B., *post*.

In response to the Supreme Court’s September 18, 2024, order denying without prejudice the State Bar’s earlier filed petition (Case No. S286825) that sought modifications to the bar examination, the CBE held a meeting on September 30, 2024. At that meeting, the CBE unanimously adopted a resolution that specifically approved the following:

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<sup>1</sup> Hereafter, all references to exhibits refer to exhibits included in the AE.

1. The use of the Kaplan-developed multiple-choice questions for the February 2025 bar exam and future bar exams, subject to psychometric validation;
2. Measure Learning as the vendor to provide a secure examination delivery platform, administer the exam either remotely or in-person in the proper format, provide sufficient proctoring and technical support for both remotely administered and test-center administered examinations, and test centers for the February 2025 bar exam, and future bar exams, subject to negotiation of contract terms; and
3. Beginning with the February 2025 administration of the bar exam, (a) the multiple-choice portion of the bar exam shall consist of 200 multiple-choice questions covering constitutional law, contracts, criminal law and procedure, civil procedure, evidence, real property, and torts and (b) be delivered remotely and/or in person at vendor-run or State Bar-run test centers.

(Ex. 25 [CBE Resolution, dated September 30, 2024] at

pp. 293–295.)<sup>2</sup> The CBE’s resolution also “direct[ed] staff to seek appropriate approval from the Supreme Court to modify its prior order on the bar exam in accordance” with the CBE’s foregoing approval. (*Id.* at p. 295.)

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<sup>2</sup> While this petition seeks an order that would apply to the February 2025 administration of the bar examination and future examinations, the Court is currently considering recommendations submitted by the Blue Ribbon Commission on the Future of the Bar Examination, which, when this Court acts on those recommendations, may supersede any order issued in response to the instant petition as it relates to future bar examinations.

**B. Action by This Court Is Necessary to Adopt the CBE's Approved Modifications to the Bar Examination**

As described above, rule 9.6(a) of the California Rules of Court requires that modifications to the bar examination be approved by the Court. The Court also has inherent authority to admit persons to the practice of law in California. (Cal. Rules of Court, rule 9.3; *In re Attorney Discipline* (1998) 19 Cal.4th 592, 593; *Hustedt v. Workers' Comp. Appeals Bd.* (1981) 30 Cal.3d 329, 336; *Brotsky v. State Bar* (1962) 57 Cal.2d 287, 300; see also Bus. & Prof. Code, §§ 6064, 6066.)

This Court's action to approve the proposed modifications to the bar examination is required by rule 9.6. Further, this Court's action is necessary because the last-issued order on the bar examination for the July 2022 administration provides, in pertinent part, that the General Bar Examination would be held in-person and the second day of the General Bar Examination consists of the MBE.<sup>3</sup> (Ex. 2 [California Supreme Court Order

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<sup>3</sup> The California Bar Examination is also known as the General Bar Examination and consists of multiple-choice, essay, and performance test questions. Qualified attorney applicants may opt not to take the multiple-choice portion of the examination but must take the essay and performance test portion. In such



Concerning the July 2022 California Bar Exam, dated May 19, 2022] at p. 11.) This Court's approval of the proposed modifications to the bar examination will enable the State Bar to utilize Kaplan as the vendor for the multiple-choice component of the General Bar Examination and Meazure Learning as the vendor to administer the bar examination remotely or in vendor-run test sites.

### **III. PROPOSED MODIFICATIONS TO THE BAR EXAMINATION FOR THIS COURT'S APPROVAL**

As reflected in the proposed order attached to this Petition, and following the CBE's approval, the proposed modifications for this Court's approval to the bar examination, beginning with the February 2025 administration, are as follows:

1. The reference to the MBE on the second day of the General Bar Examination is omitted and replaced with 200 multiple-choice questions covering constitutional law, contracts, criminal law and

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instances, the essay and performance test questions constitute what is known as the Attorneys' Examination.

The MBE is a six-hour, 200-question, multiple-choice examination developed and graded by the NCBE, a private, not-for-profit corporation that designs and sells licensing tests. The State Bar has historically purchased the MBE from the NCBE and uses it as part of the General Bar Examination. The MBE covers civil procedure, constitutional law, contracts, criminal law and procedure, evidence, real property, and torts.

procedure, civil procedure, evidence, real property, and torts.

2. The reference to the administration of the California Bar Examination being in-person is omitted and replaced with an authorization to administer the examination remotely and/or in-person at vendor-run or State Bar-run test centers.

(Ex. 25 at pp. 292–296.)<sup>4</sup> In addition, consistent with this Court’s prior orders on the bar examination, the proposed order specifies that the examination will be administered the last week in February and the last week in July of each calendar year.

Through this Petition, the State Bar requests that this Court approve the proposed modifications to the bar examination as set forth in the proposed order.

#### **IV. BACKGROUND AND BASIS FOR PROPOSED MODIFICATIONS TO THE CALIFORNIA BAR EXAMINATION**

The bar examination tests the knowledge and abilities of those seeking admission. The requested modifications do not seek to change that fundamental purpose, but, instead, would permit the State Bar to administer the examination in more

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<sup>4</sup> Because the proposed modifications eliminate reference to the MBE, inclusion of the subject matters in the proposed order directs that the same subject matters in the multiple-choice questions will continue to be tested as in prior years. (See fn. 3, *ante*; Bus. & Prof. Code, § 6046.6.)

cost-effective ways that are preferred by applicants. This request is the culmination of CBE action, previous CBE and Board discussions, stakeholder and public input, vetting of vendors, and consultation with experts to ensure that the proposed changes to the bar examination do not negatively affect its integrity or security. (See Ex. 24 [CBE Staff Report for Agenda Item 1.1, dated September 30, 2024] at pp. 224–233.)

**A. Increasing Costs for Administering the Examination Required the State Bar to Explore Alternative Methods of Examination Administration**

When the bar examination returned to in-person administration in 2022, the State Bar faced significant increased examination administration costs, including rising facility and proctor expenses. State Bar staff began to evaluate how to reduce examination-related expenses in 2022. As part of those efforts, the State Bar requested authorization from NCBE to administer the MBE remotely, but NCBE was and continues to be unwilling to alter its position that the MBE must be administered at jurisdiction-run facilities. As such, the State Bar could not substantially reduce the examination-related expenses and correct the budget shortfall without replacing the MBE.

Examination administration expenses comprise the largest non-personnel cost in the State Bar's Admissions Fund; the 2024 Office of Admissions' budget reflected deficit spending of \$3.8 million, which would leave only \$3.3 million in reserves at year's end. (Ex. 12 [Board Staff Report for Item 701, dated February 26, 2024] at pp. 109–111; Ex. 13 [Relevant Excerpts of State Bar 2024 Adopted Final Budget, dated February 28, 2024] at pp. 115–118.)

During the CBE's June 28, 2023, meeting, following a staff presentation that explained that the Admissions Fund was facing insolvency by 2026, and that the budgetary issues were primarily attributable to examination-related expenses, including escalating testing facility and proctor costs, the CBE recommended that the Board consider a cost-reduction model whereby the MBE would be administered at a reduced number of test sites, and the essays and performance test portion of the bar examination would be administered remotely. (See Ex. 3 [CBE Staff Presentation for Agenda Item VI.E, dated June 28, 2023] at p. 15–23; Ex. 4 [CBE Open Session Minutes: June 28, 2023] at

p. 27.)<sup>5</sup> On August 10, 2023, the Board approved a reduced number of testing locations for the February 2024 bar examination, with the understanding that staff would return to the Board at later date to discuss proposals for remote testing. (Ex. 5 [Board Executive Committee Staff Report for Agenda Item II.B, dated August 10, 2023] at pp. 29–37; Ex. 6 [Board Executive Committee Open Session Minutes: August 10, 2023] at p. 42].)

Concurrent with consideration of ways to reduce the cost of examination administration, the Board adopted fee increases to stabilize the Admissions Fund; effective with the February 2024 examination, application fees for non-attorneys increased 26 percent from \$677 to \$850. Attorney applicant fees increased 52.6 percent from \$983 to \$1500. (Ex. 7 [Board Staff Report for Agenda Item 701, dated September 21, 2023] at p. 53; Ex. 8 [Board Open Session Minutes: September 21–22, 2023] at p. 71;

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<sup>5</sup> State Bar staff also solicited public comment regarding the reduction in the number of test sites. (See Public Comment Solicitation on Proposed Changes to the Administration of the California Bar Exam, available at: <<https://www.calbar.ca.gov/About-Us/Our-Mission/Protecting-the-Public/Public-Comment/Public-Comment-Archives/2023-Public-Comment/Proposed-Changes-to-the-Administration-of-the-California-Bar-Exam>> [as of October 1, 2024].)

Ex. 20 [Board Staff Report for Agenda Item 3.2, dated September 19, 2024] at pp. 195–196; Ex. 21 [Board Resolution on September 22, 2023 Open Session Minutes, dated September 19, 2024] at p. 212.)

During the Board’s November 2023 meeting, staff presented updates to the proposed cost-reduction models and advised that a remote model for the essay and performance test portion of the examination was not feasible for July 2024. (See Ex. 9 [Board Staff Presentation for Agenda Item 702, dated November 16–17, 2023] at pp. 76–83.) Subsequently, during its January 18, 2024, meeting, the Board approved administering the July 2024 examination at a reduced number of test sites. (Ex. 10 [Board Staff Report for Agenda Item 703, dated January 18, 2024] at pp. 90–92; Ex. 11 [Board Open Session Minutes: January 18–19, 2024] at pp. 98–99.)

**B. Following the CBE’s Recommendation, the Board Approved a Contract with Kaplan to Develop Examination Questions**

While the reduced site option generated examination administration savings, those savings, even if annualized, are insufficient to address the structural deficit in the Admissions Fund. Reliance on the fund’s reserve balance is not sustainable in

the long term, necessitating consideration of a more significant change to examination development and delivery processes. With this imperative in mind, in January 2024, State Bar staff posted a Request for Information to identify vendors who could develop multiple-choice, essay, and performance test questions for the bar examination, which would permit remote administration of the examination. Kaplan was the sole respondent.

During its March 2024 meeting, the CBE discussed a proposal to allow the State Bar to contract with a new vendor to develop multiple-choice questions for the bar examination. (Ex. 14 [CBE Staff Report for Item III.A, dated March 15, 2024] at pp. 120–124.) The staff report noted that the NCBE requires that the MBE be administered in “jurisdiction-run facilities” and prohibits the MBE from being administered remotely or in vendor-owned test centers. (*Id.* at p. 120.) The staff report further explained that if the State Bar had its own bank of multiple-choice questions, the State Bar would be able to administer the examination in a more cost-effective manner. (*Ibid.*)

Following the March 2024 CBE meeting and with input from CBE liaisons, the State Bar held two separate stakeholder meetings with law school deans who emphasized the need to

ensure that applicants would not need to modify their preparation for the bar examination upon the transition to a new vendor, that any new questions should be psychometrically pre-tested and validated, and the need to see examples of the newly developed questions as soon as possible to ensure sufficient time to prepare students for the examination.

On April 16, 2024, the State Bar held a public stakeholder input forum to solicit feedback on the proposal to contract with a new vendor to develop examination questions. (See Ex. 15 [Stakeholder Input Forum: Bar Exam Question Development with a New Vendor: April 16, 2024] at pp. 126–131.) Consistent with post-examination survey data revealing that more than 75 percent of applicants prefer to take the bar examination remotely or in a small test center setting, applicants participating in the stakeholder sessions were generally supportive of remote and test center examination delivery.

Following the stakeholder forums, at its April 19, 2024, meeting, the CBE voted to recommend to the Board that the State Bar retain a new vendor to develop bar examination questions, including multiple-choice questions. (Ex. 17 [CBE Open Session Minutes: April 19–20, 2024] at pp. 166–167.) On



July 18, 2024, staff reported to the Board that it was continuing to negotiate with Kaplan to reach a contract on examination question development for the February 2025 bar examination. (Ex. 18 [Board Staff Report for Item 6.2, dated July 18, 2024] at p. 172.) Consistent with the CBE's recommendation, the Board authorized and delegated authority to the Board chair and executive director to execute an agreement with Kaplan to develop multiple-choice, essay, and performance test questions for the bar examination. (Ex. 19 [Board Open Session Minutes: July 18–19, 2024] at p. 190.)

On August 9, 2024, the State Bar entered into a contract with Kaplan for development of bar exam materials, including

multiple-choice questions starting with the February 2025 bar examination.<sup>6</sup> (Ex. 24 at p. 259.)<sup>7</sup>

The CBE was advised during its August 16, 2024, meeting that the State Bar entered into a contract with Kaplan to supply multiple-choice questions for future bar examinations, beginning with the February 2025 bar examination.

As described in Section II, *ante*, on September 30, 2024, the CBE specifically approved using Kaplan-developed

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<sup>6</sup> For February 2025, Kaplan will only develop multiple-choice questions. (Ex. 24 at p. 259.) Among other key provisions, the contract requires Kaplan to exit the retail bar preparation business specific to the California Bar Examination by October 1, 2024, though it may continue to offer preparation services and products for bar examinations administered by other jurisdictions. And, in response to concerns raised by the law school deans, pursuant to the contract, Kaplan will develop, and the State Bar will provide, a free study guide for applicants and a free faculty guide. (Ex. 24 at p. 278.)

<sup>7</sup> Portions of the agreement have been redacted pursuant to Government Code section 7929.605, which exempts from public disclosure “test questions, scoring keys, and other examination data used to administer a licensing examination,” and Government Code section 7922, which exempts records from public disclosure if “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” Disclosure of this information would reveal confidential information about the development of the California Bar Examination that, if disclosed, would compromise examination integrity and security.

multiple-choice questions on the February 2025 bar examination and on future examinations as well as seeking an order from this Court removing reference to the MBE. (Ex. 25 at pp. 293–295.) As explained in Section III, *ante*, such an order will enable the State Bar to utilize Kaplan to develop the multiple-choice questions for the bar examination.

**C. The State Bar Will Engage in Quality Assurance and Content Validation of Kaplan-Developed Multiple-Choice Questions**

Since entering into the agreement with Kaplan, the State Bar, in consultation with its expert psychometrician, has established a plan to ensure that the multiple-choice questions Kaplan develops will be properly vetted and prepared before the February 2025 bar examination; that process will continue through the end of the year, as further discussed below. Additionally, the State Bar plans to “field test” the Kaplan questions on November 8 and 9.<sup>8</sup>

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<sup>8</sup> On September 9, 2024, the State Bar submitted a petition to the Supreme Court that sought an order that would permit the State Bar to implement a scoring adjustment on the 2025 bar examination administrations. (Case No. S286827.) The petition described that the proposed bar examination experiment would also allow the State Bar to field test the Kaplan-developed questions in advance of the February 2025 bar examination.

Pursuant to the agreement, Kaplan will provide the State Bar with batches of questions on a rolling basis. (See Ex. 24 at pp. 259–260.) Upon receipt of a batch of questions, the State Bar will convene a content validation team comprised of psychometricians, recently licensed attorneys, individuals that supervise recently licensed attorneys, and law school faculty. (See *id.* at p. 262.) The content validation teams will review each question to ensure that the item: (1) tests for minimum competence to practice law; (2) is not biased; (3) is clear; (4) is cohesive in style with other questions; and (5) accurately tests the intended legal issue. The validation team will then recommend edits, as needed, to achieve these criteria and return them to Kaplan. Kaplan will finalize the questions and return them to the State Bar within 10 days. Consistent with Business and Professions Code section 6046.6, the new questions will not require substantial modification of the training or preparation required to pass the bar examination.

In conducting the content validation activities, the State Bar will be relying on its over four decades of experience in developing, vetting, and administering both the bar examination and the First-Year Law Students' Examination (FYLSE). The

Examinations Unit, within the Office of Admissions, manages the comprehensive process of examination development, from soliciting essay questions to overseeing the grading of both the FYLSX and bar examination. The Examinations Unit has expertise in developing questions for the FYLSX, which consists of 100 multiple-choice questions and is administered twice per year. Three of the seven subject areas tested on the multiple-choice section of the bar examination are also covered on the FYLSX—contracts, criminal law, and torts. Recently, the unit conducted a comprehensive refresh of the FYLSX multiple-choice questions, utilizing a panel of subject matter experts to ensure that the questions remain relevant and reflective of current legal standards.

The State Bar also has experience in vetting bar examination questions through its Examination Development and Grading Team. This team comprises experts with a minimum of 10 years' experience and is responsible for ensuring that all essay and performance questions undergo rigorous editing, pre-testing, and refinement before administration. This extensive expertise and attention to detail allow the State Bar to maintain high standards in assessing the competencies of both

law students and prospective attorneys, ensuring that only qualified candidates are licensed to practice law.

The proposed modifications do not seek any change to the scaled passing score for the bar examination, which is currently 1390, pursuant to this Court's August 10, 2020, Order Concerning Modifications to the California Bar Examination. (See Ex. 1 [California Supreme Court Order Concerning Modifications to the California Bar Examination, dated August 10, 2020] at pp. 6–7.) For many years, the State Bar has anchored its grading of the bar examination to the MBE to control for variation in examination difficulty across years of examinations. This process involves adjusting the raw passing score for each examination administration and is called equating. The process of equating preserves the interpretation of what it means to pass the examination and ensures fairness across different examination administrations.

If the Court permits the State Bar to utilize non-MBE multiple-choice questions, because the examination will no longer be anchored to the MBE, the CBE will be required to set a raw passing score through a standard validation study. Importantly, this is not a change to the scaled passing score of 1390. The State

Bar's psychometrician will convene an expert panel to review the examination data following the February 2025 administration to develop a recommendation for a raw passing score that is equivalent to current expectations. Thereafter, the CBE will make a policy determination to set a raw passing score that will establish the baseline for what is considered passing performance on the examination. The raw scores will be converted in a linear transformation to maintain the scaled passing score of 1390.

**D. Administering the Bar Examination Remotely or at Test Centers Is Expected to Achieve Cost Savings**

With the exception of bar examinations administered during the height of the COVID-19 pandemic, the State Bar has historically contracted with various facilities to administer the bar examination in-person, consistent with the NCBE's requirement that the MBE be delivered only at in-person jurisdiction-run examination sites.

Now that the State Bar has contracted with Kaplan, if this Court issues the proposed order, the State Bar will have the flexibility to administer the examination remotely or at vendor-run test centers, which is expected to significantly reduce the bar examination-related expenditures. To realize the potential

savings, after significant research, State Bar staff identified Measure Learning as the most suitable vendor to administer an examination remotely and/or at vendor-run test centers based on their experience, technological capability, and relative affordability.

State Bar staff considered several examination administration vendors to administer the bar examination before recommending Measure Learning. (Ex. 24 at pp. 230–232.) Staff’s recommendation to engage Measure Learning is grounded in their capacity and ability to deliver a high volume of complex examinations efficiently and securely.

Measure Learning is a leading provider of online proctoring and examination administration services, with extensive experience administering high-stakes examinations for various professional licensing bodies and educational institutions.

Measure Learning has also demonstrated the capacity and ability to deliver complex examinations efficiently and securely. Their platform offers live proctoring instead of record and review, which provides real-time supervision and reduces the need for post-examination review. Remote proctoring allows the proctors to monitor applicants through their webcam as well as being able



to view their screen. Additionally, the proctor-to-applicant ratio is significantly lower than other vendors at one proctor to four applicants. The Meazure Learning platform utilizes a proprietary secure browser that can also detect security incidents that will be reported to the State Bar.

In addition to offering a remote administration option, Meazure Learning will also provide small, in-person testing centers, and temporary pop-up centers in larger geographic areas for applicants who wish to test in-person or are unable to test remotely. Meazure Learning also has test centers across the United States and globally to ensure accessibility for candidates who prefer or require in-person testing.<sup>9</sup> Via its remote and in-personal testing capabilities, Meazure Learning has confirmed its

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<sup>9</sup> The CBE is scheduled to take action on whether to permit applicants to take the bar examination from locations outside of California, including out-of-state and internationally at its October 11, 2024, meeting. During the COVID-19 pandemic, applicants were permitted to take the bar examination from any location but were required to take the examination during the same hours as all other applicants.

ability to deliver the bar examination to all applicants over the course of the two-day examination.<sup>10</sup>

Meazure Learning also provides applicant support in advance of the examination through the post-examination period. Applicants may take a pre-test to ensure that their equipment meets the specifications for running the Meazure Learning platform, and applicants participating in the “field test” of the Kaplan questions in November 2024 will be using the platform. In addition, Meazure Learning provides chat, phone, and email support for technical issues. The State Bar will continue to accept and process testing accommodation requests and Meazure Learning will implement the approved accommodations for all applicants.

Once staff identified Meazure Learning as a potential vendor, staff, Board, and CBE representatives tested the examination platform. Some participants identified certain

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<sup>10</sup> During the September 30, 2024, CBE meeting, State Bar staff indicated that for the July 2025 bar examination, staff anticipated that there would be two forms of the bar examination and that the examination would occur over the course of four days to accommodate all applicants; however, the State Bar will proceed with a two-day examination in July, requiring only one form of the examination.

desired enhancements with the product or test centers; Meazure Learning has worked collaboratively and promptly with State Bar staff to correct those issues.

On September 19, 2024, the Board approved a contract amount of \$4,108,500 for Meazure Learning, subject to negotiation of appropriate contractual terms and action by the CBE, to provide a test administration platform, remote and in-person proctoring, and vendor-run test centers for the 2025 bar examination administrations.<sup>11</sup> (Ex. 22 [Board Staff Report for Agenda Item 4.1, dated September 19, 2024] at pp. 214–220; Ex. 23 [Board Resolution on Approval of Specified Contracts, dated September 19, 2024] at p. 222.)

On September 30, 2024, the CBE unanimously passed a resolution to approve Meazure Learning as the vendor to provide a secure examination delivery platform, administer the examination either remotely or in-person in the proper format, provide sufficient proctoring and technical support for both remotely administered and test-centered administered

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<sup>11</sup> This contract amount also includes delivery of legal specialization examinations in fall 2025.

examinations, and test centers for the February 2025 bar examination, and future bar examinations, subject to negotiation of the contract terms. (Ex. 25 at pp. 293–295.)

Since the Board and CBE approved the use of Meazure Learning, the State Bar has engaged in negotiations, which has resulted in an agreed-upon term sheet confirming that Meazure Learning: (1) has the capacity to deliver all examinations remotely through its online platform and the ability to provide in-person test center options; (2) has skilled technical support staffing; (3) will limit changes to the administration platform in advance of the examination; (4) has committed to provide adequate testing centers; (5) will employ a proctor-to-applicant ratio of no more than one proctor to every four applicants; and (6) will comply with the necessary data security requirements. (Ex. 26 [Terms Sheet Between Meazure Learning and the State Bar] at pp. 297–299.)<sup>12</sup>

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<sup>12</sup> The State Bar is continuing to negotiate the terms of the Meazure Learning contract, which will set forth specific technical support terms. Meazure Learning provides support services 24-hours per day. (See Meazure Learning Online Proctoring Services and Test Center Services Support Operations available at: <<https://www.meazurelearning.com/support-operations>> [as of October 4, 2024].) Additionally, the contract will ensure that

Accordingly, following approval from this Court, the State Bar will be able to use Meazure Learning, beginning with the February 2025 examination, to administer the bar examination remotely or at Meazure Learning's sites.

## V. CONCLUSION

For the foregoing reasons, the State Bar respectfully requests that the Court issue an administrative order approving the proposed modifications to the California Bar Examination, effective for the February 2025 administration of the examination, as set forth in the attached proposed order.

Dated: October 4, 2024

Respectfully submitted,

ELLIN DAVTYAN  
KIRSTEN GALLER  
JEAN KRASILNIKOFF  
ANIK BANERJEE

By: /s/ *Ellin Davtyan*  
ELLIN DAVTYAN

General Counsel  
Office of General Counsel  
The State Bar of California

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Meazure Learning complies with industry standard data security requirements.

[PROPOSED] ADMINISTRATIVE ORDER

**IN THE SUPREME COURT OF CALIFORNIA**

EN BANC

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**ORDER APPROVING MODIFICATIONS TO  
THE CALIFORNIA BAR EXAMINATION**

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

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

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

The second day of the General Bar Examination will consist of 200 multiple-choice questions covering constitutional law, contracts, criminal law and procedure, civil procedure, evidence, real property, and torts.

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

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

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

During the grading process, the written and multiple-choice components will be scaled and weighted equally (50 percent assigned to each). Applicants who take the Attorney Examination will have their scores scaled, and the answers to the

five essays and the Performance Test questions will be weighted at 100 percent.

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

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

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Chief Justice