



The State Bar of California

OPEN SESSION AGENDA ITEM 4.1 JANUARY 2025 COMMITTEE OF BAR EXAMINERS

DATE: January 31, 2025

TO: Members, Committee of Bar Examiners

FROM: Bridget Gramme, Special Counsel,
Division of Consumer Protection, Admissions, Access and Inclusion
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SUBJECT: Discussion and Action on Composition of Steering Committee to Guide
Development of the new California Bar Examination

EXECUTIVE SUMMARY

At the December 6, 2024, Committee of Bar Examiners (CBE) meeting, staff proposed the creation of a steering committee to guide the new bar exam development and a general timeline for implementing the Supreme Court's October 10, 2024, order directing the State Bar to develop a new California Bar Exam.

The proposal included a potential steering committee composition for the committee's consideration, which reflected CBE leadership's recommendation and the Supreme Court's feedback. After lengthy discussion, committee members expressed that they needed more time to consider this decision and opted to further discuss and vote on the steering committee composition and charter at its January 31, 2025, meeting.

This item provides background information on the October 10, 2024, court order, and outlines a proposed steering committee composition taking the committee's feedback into consideration, combined with additional research staff has conducted in the weeks following the last meeting. Staff will seek the committee's input regarding the steering committee's charter and come back with a proposed charter for a vote at a future meeting.

RECOMMENDED ACTION

Staff request that the committee approve the new bar exam steering committee composition as set forth in this item and direct staff to submit the committee's recommendation to the Board of Trustees for its approval.

DISCUSSION

BACKGROUND

On October 10, 2024, the Supreme Court issued an [order](#) adopting the Blue Ribbon Commission on the Future of the Bar Exam's [recommendations](#), with modifications, to develop a California-specific Bar Exam. Pursuant to the order, the new exam must test 12 topics and 7 skills for entry-level practice while emphasizing the application of knowledge and performance of associated skills and deemphasizing the need for memorization of doctrinal law. It must prioritize fairness, equity, and minimizing disparate performance impacts based on race, gender, ethnicity, and disabilities and be transparent on topics and rules to be tested. The development of the new exam must also consider new technologies, including AI for skills assessment.

At the December 6 meeting, staff proposed a potential structure and approach for the development of the new exam. Specifically, the committee considered staff's proposal to form a steering committee to guide the process, and a proposed composition for the types of individuals who would serve on that committee. During the discussion, CBE members suggested the following potential composition of the steering committee:

Steering committee voting members (18)

- Chair, a current or retired member of the judiciary (1)
- CBE members (2)
- EDG team chair (1)
- Exam developer/psychometrician (1)
- AccessLex representative (1)
- Professional licensure expert (1)
- Emerging technologies/ innovative testing expert (1)
- Universal Design testing expert (1)
- Practicing attorneys who manage law firms or supervise new attorneys (2)
- Law school deans (3)
- BOT member (1)
- Disability Access Expert (1)
- California Lawyers Association (1)
- Recently Admitted Attorney (1)

Ultimately, the committee decided it needed more time to consider and discuss the appropriate composition, charter, and structure of the steering committee and deferred a decision on this matter to the January 31, 2025, meeting.

In the intervening time, staff have been meeting with a number of experts in psychometrics and those who have recently developed new licensing exams in a range of fields including nursing, dentistry, and occupational therapy. Informed by these discussions, and in further consultation with CBE leadership and the Supreme Court liaison, staff now propose a slightly different model for the committee's consideration and approval.

PROPOSED STEERING COMMITTEE

Staff propose that the steering committee would guide the development of the new exam and implement a structure for gathering information from experts, seeking stakeholder feedback, and making recommendations. All final recommendations of the committee would then be approved by the CBE, the Board, and ultimately the Supreme Court.

Key items for exam development would include content (scope and competencies in each of the subject matters and skill areas), exam infrastructure (format, length, frequency), the appropriate assessment tool (including innovative testing design, e.g. gamification), and exam fairness, reliability, equity, and accessibility. The steering committee would also work to implement a timeline from its formation through administration of the new exam. Based on staff's research and conversations with a number of psychometric experts in the U.S. and Canada who have recently been involved in developing new licensing exams, the ideal size of the steering committee should be between 8 to 12 members.

Staff propose the following composition for the committee's consideration:

Steering Committee Members (9 voting)

- Chair, a current or retired member of the judiciary (1)
- CBE members (2)
- BOT member (1)
- State Bar's Exam Development and Grading (EDG) team chair (1)
- Exam developer/psychometrician (1)
- Universal Design testing expert (1)
- Emerging technologies/ innovative testing expert (1)
- Professional licensure expert (1)
- Supreme Court liaison (1) – Nonvoting

Appointments

- CBE members appointed by the CBE
- BOT member appointed by the BOT
- Chair and all others appointed by the Supreme Court

Term

Staff propose that the steering committee, once appointed, would serve for a term of 18 months.

PROPOSED ADVISORY GROUP

Due to the volume of work and policy decisions required, as well as the range of subject matter experts and perspectives that will be needed, staff propose that CBE also appoint an advisory body to inform the steering committee's work. The steering committee may seek additional members as needed from time to time from the CBE, but as a starting point, staff recommend the following:

Advisory Group Nonvoting Members

- Law school deans (3)
- Practicing attorneys who manage law firms or supervise new attorneys (2)
- Current students (2)
- Recently admitted attorney (1)
- California Lawyers Association representative(1)
- Disability expert (1)
- Council on Access and Fairness representative (1)

NEXT STEPS/ PROPOSED 2025 TIMELINE

January 31: CBE approves composition of steering committee

February 20-21: Board approves composition

February 20-March 31: Staff solicit and accept applications for committee members and, in consultation with CBE leadership, compile a recommended slate for the committee's approval

April 18: CBE approves slate of steering committee members and appoints CBE representatives of the steering committee

May 22-23: Board approves slate, appoints its representative, and directs staff to submit recommendations to the Court for final approval.

Summer 2025: Upon the Court's approval, steering committee will convene. Once the committee begins its work, staff will solicit applications for advisory group members and present a recommended slate for CBE's approval at its first meeting following the steering committee's first meeting.

PREVIOUS ACTION

None

FISCAL/PERSONNEL IMPACT

Staff anticipate that the steering committee will primarily meet remotely and the costs of supporting the committee will be absorbable within the Admissions Fund budget. A dedicated Lead Program Analyst is already in place to staff the committee and coordinate exam development efforts.

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

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

RESOLUTIONS

Should the Committee of Bar Examiners concur with staff recommendations it is:

RESOLVED, that the committee approves the following composition for a steering committee on the development of a new bar examination:

- Chair, a current or retired member of the judiciary (1) (appointed by Supreme Court)
- CBE members (2) (appointed by CBE chair)
- BOT member (1) (appointed by BOT chair)
- State Bar's Exam Development and Grading (EDG) team chair (1)
- Exam developer/psychometrician (1) (appointed by Supreme Court)
- Universal Design testing expert (1) (appointed by Supreme Court)
- Emerging technologies/ innovative testing expert (1) (appointed by Supreme Court)
- Professional licensure expert (1) (appointed by Supreme Court)
- Supreme Court liaison (1) – Nonvoting

and it is

FURTHER RESOLVED, that the steering committee on the development of a new bar exam will serve for an 18-month term, commencing upon the Supreme Court's appointment of a chair and its appointees; and it is

FURTHER RESOLVED, that the committee directs staff to submit the approved steering committee composition and term to the Board of Trustees for approval at its February 20-21, 2025, meeting.