



The State Bar of California

OPEN SESSION

AGENDA ITEM

4.2 OCTOBER 2024

COMMITTEE OF BAR EXAMINERS

DATE: October 11, 2024

TO: Members, Committee of Bar Examiners

FROM: Audrey Ching, Program Director, Office of Admissions
Cody Hounanian, Program Director, Office of Admissions
Amy Nunez, Program Director, Office of Admissions

SUBJECT: Update on 2025 Bar Exam Planning and Action on Remote Administration of Bar Examinations for Examinees Electing to Test Out-of-State

EXECUTIVE SUMMARY

Following the Committee of Bar Examiners' September 30, 2024, approval of changes to the California Bar Examination, this item provides the committee with an update on the evaluation and validation of the new multiple-choice questions, the operational details of the hybrid exam administration, and the ongoing California Bar Exam Experiment. Additionally, staff seek the Committee's approval to permit applicants outside of California to take the exam remotely or at test centers outside the state, alleviating costs and logistical burdens for applicants.

RECOMMENDED ACTION

Staff request approval for applicants located outside of California to take the California Bar Examination remotely or at test centers in locations outside the state and to extend these options for the California Bar Exam Experiment.

DISCUSSION

BACKGROUND

On September 30, 2024, the Committee considered and approved a series of changes to the California Bar Examination, to begin with the February 2025 administration, after months of negotiations and stakeholder input. The [staff report](#) from the September 30 meeting provides a detailed chronology of events leading to the Committee's approval. A petition for modifications to the bar exam has been submitted to the Supreme Court of California for approval (Attachment A). The proposed changes include:

- New Multiple-Choice Questions: Kaplan Exam Services, LLC (Kaplan) will develop multiple-choice questions replacing the Multistate Bar Examination (MBE).
- Hybrid Exam Administration: Applicants will select their preference between taking the exam remotely using their personal computers or in person at a test center that provides the necessary equipment.
- Measure Learning Platform: Measure Learning will provide both remote and test center exam delivery services.

Separately, the court is considering a score adjustment on 2025 bar exams for applicants who participate in the [California Bar Exam Experiment](#) which was recommended by the Committee in August 2024.¹

Following its vote on September 30, the committee requested that staff provide ongoing updates on implementation progress.

UPDATES

Multiple-Choice Question Evaluation and Validation

Kaplan has provided its first batch of questions to staff, pursuant to the terms of its contract with the State Bar, and a second batch is expected later this month. To ensure the quality of the Kaplan-developed questions, panels have convened to review the questions; to date, the State Bar has recruited a panel of 15 members comprised of newly admitted attorneys, attorneys supervising newly admitted attorneys, and law school faculty with bar exam preparation experience. Panels are scheduled to meet five times between October and December 2024. Recommendations from these panels will guide Kaplan in refining the questions for the February 2025 exam, and ensure that the questions are appropriately measuring minimum competency, are free from bias, and are legally sound.

Review Study Guides

¹ 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 exam administrations. The petition described that the proposed bar exam experiment would also allow the State Bar to field test the Kaplan developed questions in advance of the February 2025 bar exam.

Kaplan has provided staff with its draft faculty guide, which comprises 25 sample questions covering all seven subject areas and includes annotated information on all responses. The guide will provide faculty with an opportunity to preview the new multiple-choice questions and assist in preparing their students. The draft is currently under review by the panel, and will be distributed to law schools once it is finalized later this month.

Kaplan will deliver a student study guide with 25 more sample practice questions, which will be validated using the same process and made available to students in advance of Phase One of the California Bar Exam Experiment, scheduled for November 8-9, 2024.

February 2025 Bar Exam Application Open

The application for the February 2025 California Bar Examination successfully opened on time on October 1. Applicants can select their preferred exam modality—either remote or in person at a test center—allowing the State Bar to gather the necessary information in preparation for the anticipated Supreme Court approval of the proposed exam changes. The February bar exam FAQs have been updated to provide applicants with as much information as possible regarding the expected changes. Once the Supreme Court finalizes its decision, staff will promptly notify all applicants, update relevant State Bar webpages, and further refine the FAQs to ensure clarity and transparency.

Agreement with Meazure Learning

Staff are working to finalize an agreement with Meazure Learning to develop a platform and serve as the exam delivery vendor providing remote and test center exam administration beginning in February 2025. The parties have agreed to high-level terms as to customer service, exam delivery, and data security protocols, which were provided to the Supreme Court as part of the petition for modifications to the bar exam. Staff have asked for three to four committee members to volunteer as liaisons to provide feedback on various business decisions.

California Bar Exam Experiment

Phase One of the California Bar Exam Experiment, in which participants will field test 49 new multiple-choice questions, is scheduled to take place on November 8-9, 2024. Phase one of the experiment is also an opportunity to operationally test the Meazure Learning platform; participants will take the experiment either remotely using live remote proctors, or in person at one of Meazure Learning's designated test centers. To date, over 3,900 applications for Phase One have been received. On October 2, 2024, staff held two Q&A sessions with law school administrators and applicants to answer questions about the experiment. Fifty administrators and 784 applicants were in attendance and over 300 questions were answered. Staff reiterated that updates would continue to be provided by email, which has proven successful, and that the experiment webpage and FAQs would be updated as staff received feedback from stakeholders. Phase Two of the Experiment will take place in conjunction with the July 2025 bar exam.

OPTIONS FOR APPLICANTS OUTSIDE OF CALIFORNIA

At the September 30, 2024, meeting, the Committee briefly discussed but did not resolve whether applicants located outside of California would be required to sit for the bar exam in California once the new remote and test center modalities are in place. Staff are seeking approval to allow applicants residing outside of California to take the bar exam remotely or at test centers outside of the state.

One of the benefits of the new remote and test center exam administration approaches is that it reduces costs and inconvenience for applicants from outside the state. Following the July 2024 bar exam, the State Bar surveyed applicants and found that a majority of respondents spent over \$500 in travel to and lodging near the exam; nearly one-third spent over \$1,000. The same survey found that nearly one-quarter of respondents traveled over 250 miles from their residence to a test center.

Staff recommend that the Committee allow out-of-state applicants to use Meazure Learning's remote exam delivery platform or a test center near them. Staff also recommend that the same options be provided to out-of-state applicants for Phase One and Phase Two of the California Bar Exam Experiment occurring in November 2024 and July 2025.

RECOMMENDATION

PREVIOUS ACTION

[Action on Cost Reduction Initiatives Related to the Bar Exam, Beginning with the February 2025 Administration](#)

[Consideration of and Action Approving Modifications to the California Bar Examination, starting with the February 2025 Administration and to Address the California Supreme Court's September 18, 2024 Order \(Case No. S286825\), Including Vendors for Question Development and Remote/In Person Test Center Exam Administration](#)

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None – core business operations

RESOLUTIONS

Should the Committee of Bar Examiners agree with the staff recommendation, the following motion should be made:

RESOLVED, that the Committee of Bar Examiners authorize applicants to take the California Bar Examination outside of California using the Meazure Learning platform either remotely or in person at a designated test center.

ATTACHMENT(S) LIST

- A.** Renewed Request that the Supreme Court Approve Proposed Modifications to the California Bar Examination
- B.** Appendix of Exhibits - Renewed Request that the Supreme Court Approve Proposed Modifications