



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM 4.2 APRIL 2025 BOARD OF TRUSTEES**

**DATE:** April 2, 2025

**TO:** Members, Board of Trustees

**FROM:** Amy Nuñez, Program Director, Office of Admissions

**SUBJECT:** Update on the July 2025 Bar Examination; Discussion and Approval of Contracts for Testing Centers and ExamSoft Worldwide LLC for the Administration of the July 2025 Bar Examination

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### **EXECUTIVE SUMMARY**

This staff report requests approval to execute, subject to authorization by the Committee of Bar Examiners, facilities and exam software contracts for the July 2025 California Bar Exam.

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### **RECOMMENDED ACTION**

It is recommended that the Board approve, subject to subsequent authorization by the Committee of Bar Examiners for the use of testing facilities in the locations identified in this staff report and the selected exam software provider (ExamSoft), contracting with the vendors listed in table 1 for administration of the July 2025 Bar Exam.

### **DISCUSSION**

Pursuant to Business and Professions Code section 6008.6, the Board is required to approve all contracts for goods, services, or both in an aggregate amount of more than \$50,000 (or \$100,000 for contracts related to information technology goods and services). The contracts listed in table 1, below, are more than \$50,000 and have met the standards established by Article 4 of the Public Contract Code, as implemented through the State Bar's Procurement Policy. Prior to the COVID-19 pandemic and after the exams returned in-person in 2022, pursuant to National Conference of Bar Examiners' (NCBE) policy, answers to the MBE (Multistate Bar Examination) multiple-choice section (MCQs) of the bar exam were input on paper Scantron forms. During the pandemic, the NCBE allowed jurisdictions to administer the MBE (Multistate Bar Examination) remotely, enabling applicants to test from various locations, including their homes, hotel rooms, or law school offices. This accommodation was made in response to public health restrictions that limited large in-person gatherings. The remote administration did not require a continuous internet connection for answering questions;

instead, the exam software securely recorded responses locally and uploaded them after the session, addressing concerns about bandwidth limitations or internet disruptions. Using Scantrons increases the risk of errors, such as applicants misaligning their answers, making holes in the Scantron by erasing too hard, or misplacing answer sheets if they become separated from the test booklets. Survey data suggests that online MCQ administration is also preferred by applicants. Because the State Bar is no longer reliant on NCBE questions, we now have the flexibility to load the MCQs into ExamSoft software instead of using hardcopies and Scantron sheets.

The \$1.12 million proposed ExamSoft contract includes pricing for the multiple-choice questions to be inputted into the software versus applicants having paper multiple-choice booklets and Scantron sheets. An alternate bid from ExamSoft was received reflecting paper MCQ administration. That proposal is reflected as 1a in table 1, below. As a test administration policy matter, the decision regarding paper versus electronic delivery of multiple-choice questions rests with the Committee of Bar Examiners, while the Board is the entity that can bind the State Bar contractually.

The Chief Justice's recent State of the Judiciary address emphasized the expected role the Committee of Bar Examiners (CBE) in exam budgeting matters. These remarks followed the Court's decision to return the 2025 bar exam petitions on [September 18, 2024](#), citing the need for explicit CBE approval of Measure Learning as a vendor and Kaplan Exam Services for question drafting as the basis for that return. With these experiences in mind, staff believes it appropriate for both the Board and the CBE to approve July 2025 Bar Exam site and software contracts.

While ideally the CBE would have met prior to the Board's April 2 meeting, the CBE is unable to meet until April 8. As such the Board is asked to approve Ref 1 and Ref 1a, with the understanding that only one contract with ExamSoft will be executed.

**Table 1. Staff Recommendation: July 2025 Bar Exam Software and Facilities**

Ref #	Office	Cost Center	Fund	Vendor	Contract Amount	Goods or Services
1	Admissions	8312	Admissions Fund	ExamSoft Worldwide LLC	\$1,120,000.00	July 2025 Bar Exam Software
1a	Admissions	8312	Admissions Fund	ExamSoft Worldwide LLC	\$1,020,000.00	July 2025 Bar Exam Software
2	Admissions	8312	Admissions Fund	Pasadena Convention Center	\$150,150.00	July 2025 Bar Exam Testing Site
3	Admissions	8312	Admissions Fund	Ontario Convention Center	\$133,650.00	July 2025 Bar Exam Testing Site

Ref #	Office	Cost Center	Fund	Vendor	Contract Amount	Goods or Services
4	Admissions	8312	Admissions Fund	Chula Vista Elite Athletic Training Center	\$104,000.00	July 2025 Bar Exam Testing Site
5	Admissions	8312	Admissions Fund	The Grounds	\$105,000.00	July 2025 Bar Exam Testing Site
6	Admissions	8312	Admissions Fund	Oakland Convention Center	\$248,000.00	July 2025 Bar Exam Testing Site
7	Admissions	8312	Admissions Fund	Hotel Fera	\$211,500.00	July 2025 Bar Exam Testing Site
8	Admissions	8312	Admissions Fund	Hilton Sacramento Arden West	\$177,500.00	July 2025 Bar Exam Testing Site
9	Admissions	8312	Admissions Fund	Golden Gate University	\$20,000.00	July 2025 Bar Exam Testing Site
1–9	<b>GRAND TOTAL</b>	8312	Admissions Fund	<b>\$2,269,800.00</b>		
1a–9	<b>GRAND TOTAL</b>	8312	Admissions Fund	<b>\$2,169,800.00</b>		

ExamSoft Worldwide LLC (1) provides exam software for applicants to compose their written answers that are uploaded and graded. This amount contemplates the use of the software to additionally record an applicant's multiple-choice answers. 1a reflects an amount for just the written answers and applicants entering their multiple-choice answers on Scantron.

The contract amounts for items 2–9 are for contracts for standard test centers in Pasadena, Ontario, Chula Vista, Roseville and Oakland and accommodated applicant test centers in Anaheim, Sacramento and San Francisco. The contract amounts include costs for the meeting room space, as well as audio visual needs, tables and chairs.

The current facilities listed account for 8,900 applicants, representing approximately 90 percent of anticipated July 2025 California bar exam examinees. There will be a need to source

additional facilities for July based on the anticipated 9,500–10,000 July 2025 test takers; 10 percent of those are forecasted to need accommodated testing space.

## **PREVIOUS ACTION**

The Board of Trustees approved a combined amount for the February and July 2025 bar exams of \$4.1 million at its [September 19, 2024 meeting](#). That amount was based on a quote from Meazure Learning to conduct the exams in a hybrid (remote and in person) model. [Supreme Court direction](#) issued on March 4, the [March 5 meeting of the Board of Trustees](#), and the [March 14 meeting of the Committee of Bar Examiners](#) affirmed the move back to a traditional in-person July 2025 bar exam delivery.

## **FISCAL/PERSONNEL IMPACT**

The Board of Trustees approved a \$4.1 million master services agreement with Meazure Learning at its September 19, 2024, meeting. That amount assumed a \$2.4 million cost for administration of the July 2025 bar exam. With the contracts brought forward for approval today, as well as other anticipated expenses associated with the return to in-person exam administration, including in-person proctor compensation not included in table 1 above, the July 2025 exam is now projected to cost at least \$4.75 million, over \$2.3 million in excess of the originally budgeted amount.

## **AMENDMENTS TO RULES**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

None – core business operations

## **RESOLUTIONS**

**Should the Board of Trustees concur, it is:**

**RESOLVED**, that the Board of Trustees, subject to authorization by Committee of Bar Examiners, for the use of testing facilities in the locations identified in the staff report and the selected exam software provider (ExamSoft), approves contracting with the vendors listed in table 1 for administration of the July 2025 Bar Exam.

## **ATTACHMENT LIST**

None