

4.1 Discussion and Action, if Appropriate, on Potential Non-Score Adjustment Remedies Related to the February 2025 California Bar Exam



The State Bar of California

OPEN SESSION

AGENDA ITEM

4.1 APRIL 2025

COMMITTEE OF BAR EXAMINERS

DATE: April 18, 2025

TO: Members, Committee of Bar Examiners

FROM: Donna S. Hershkowitz, Chief of Admissions / Legislative Director

SUBJECT: Discussion and Action, if Appropriate, on Potential Non-Score Adjustment Remedies Related to the February 2025 California Bar Exam

EXECUTIVE SUMMARY

On April 2, 2025, the Board of Trustees considered this committee's recommendation to advance to the Supreme Court provisional licensure for those who sat for the February Bar Exam as well as those who withdrew from that exam. The Board postponed action on that item and requested that the committee, after grading is completed, consider the full range of remediation options and provide recommendations for specific parameters of whatever program(s) are recommended. This staff report sets the framework for a comprehensive discussion of possible remedies related to the experiences with the February Bar Exam that is scheduled for May 5, 2025. Staff seeks the committee's input in particular on the test taker cohorts and the range of possible remedies for consideration.

RECOMMENDED ACTION

None. Staff does not anticipate action being taken by the committee at this meeting.

DISCUSSION

The committee will be meeting May 5, 2025, to take action on the direction of the Board of Trustees that "the Committee of Bar Examiners consider the full range of remediation options, after the completion of the grading of the February 2025 bar exam," including the parameters of the remediation options recommended. The Board specifically asked the committee to consider special populations in developing remediation recommendations, including attorney

applicants licensed in other states, and bring back to the Board for consideration. This staff report sets a preliminary framework for that discussion by engaging the committee in a discussion of the comprehensive list of remediation measures to be considered, as well as the special populations the committee believes should be specifically considered.

To begin this discussion, staff identified the following categories for remediation measures and special populations for the committee's review:

| Potential Non-Score Adjustment Remedies | Special Populations |
|--|--|
| Provisional Licensure w/o Pathway to Licensure | First Time Takers |
| Provisional Licensure w/Pathway to Licensure | Repeat Takers |
| Portfolio Bar Exam / Supervised Practice Pathway to Licensure | US Barred Attorneys (Should this be separated by those who sat for the 2-day Bar Exam v. 1-day Attorney Exam?) |
| Admission for US Barred Attorneys | Foreign Barred Attorneys (Should Foreign Educated Law Students Also Be an Identified Population?) |
| Admission for February 2025 Test Takers | Test Takers from ABA-authorized Law Schools |
| Admission for Repeat Test Takers Who Qualified for 2 nd Read in a Prior California Bar Exam | Test Takers from California Accredited Law Schools |
| Admission for Test Takers Who Qualified for 2 nd Read for February Bar Exam | Test Takers from Registered Law Schools |
| Diploma Privilege | Test Takers by Race/Ethnicity |
| | Test Takers by Gender |
| | Those Who Withdrew from the February 2025 Bar Exam |
| | Disbarred California Attorneys Seeking Reinstatement |

For the May 5, 2025, meeting staff will present the committee with performance data for each special population for the past 10 administrations of the February Bar Exam, including the February 2025 bar exam, except where such data is unavailable. This data is intended to help the committee assess what remediation measures may be appropriate for each population and the parameters for those measures.

PREVIOUS ACTION

On March 14, 2025, the committee resolved to recommend “to the Board of Trustees that the Supreme Court expand the Provisional Licensure Program to include test takers who took the February 2025 Bar Exam or who withdrew from the February 2025 Bar Exam.”

On April 2, the Board of Trustee considered the committee’s recommendation regarding provisional licensure and took the following action:

RESOLVED, that the Board of Trustees postpones consideration of the Committee of Bar Examiners’ request to recommend to the Supreme Court expansion of the Provisional Licensure Program as approved at their March 14, 2025, meeting; and it is

FURTHER RESOLVED, that the Board of Trustees requests that the Committee of Bar Examiners consider the full range of remediation options, after the completion of the grading of the February 2025 bar exam. The Board of Trustees requests that the Committee of Bar Examiners provide the specific parameters for any recommended remediation measures ultimately recommended. Lastly, the Board of Trustees requests that the CBE consider special populations in developing remediation recommendations, including attorney applicants licensed in other states and bring back to the Board for consideration.

FISCAL/PERSONNEL IMPACT

Because this is presented as a framework only, and does not recommend any action, staff have not identified any fiscal/personnel impact.

AMENDMENTS TO RULES

Because this is presented as a framework only, and does not recommend any action, staff have not identified any fiscal/personnel impact.

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None

RESOLUTIONS

None

ATTACHMENT LIST

None