

3.2 Discussion and Possible Adoption of Non-Scoring Remediation Measures for the February 2025 Bar Examination



The State Bar of California

OPEN SESSION

AGENDA ITEM

3.2 MAY 2025

BOARD OF TRUSTEES

DATE: May 9, 2025

TO: Members, Board of Trustees

FROM: Audrey Ching, Program Director, Office of Admissions
Donna S. Hershkowitz, Chief of Admissions/Legislative Director

SUBJECT: Discussion and Possible Adoption of Non-Scoring Remediation Measures for the February 2025 Bar Examination

EXECUTIVE SUMMARY

The results of the February 2025 California Bar Exam were released on May 5, 2025, showing the highest pass rates for a February administration in decades. These outcomes reflect the impact of the Supreme Court's approval of the raw passing score recommended by the Committee of Bar Examiners. That raw passing score, along with targeted score imputation for certain test takers, constituted the scoring-related remediation measures available to February 2025 examinees.

At its [May 5, 2025, meeting](#), the Committee of Bar Examiners (CBE) reviewed extensive data and options for non-scoring remediation measures for both those who withdrew from and were unsuccessful on the February 2025 California Bar Exam. In response to the Board's April 2 directive, and informed by February 2025 and 10-year average pass rates as well as data by various applicant-types, the CBE engaged in a comprehensive discussion of potential non-scoring interventions. The CBE ultimately approved two targeted recommendations for Board consideration:

- Expansion and extension of the Provisional Licensure Program under California Rule of Court 9.49 to include applicants who were unsuccessful or withdrew from the February 2025 Bar Exam; and
- Development of a pathway for admission on motion for attorneys licensed in other U.S. jurisdictions, contingent on statutory change, and an interim expedited special admissions process for these attorneys.

These recommendations aim to provide meaningful, time-limited relief while preserving the integrity of the licensure process.

BACKGROUND

On April 2, 2025, the Board of Trustees postponed action on an earlier recommendation from the CBE to expand provisional licensure and requested a broader review of remediation options for those affected by the February 2025 Bar Exam. The Board specifically directed the CBE to:

- Consider the full range of remediation options;
- Provide specific eligibility parameters for any proposed measures; and
- Include attention to special populations, including U.S.-licensed attorneys.

Pursuant to this directive, staff presented a comprehensive suite of options to spur the CBE's discussion. The staff item and presentation analyzed ten potential non-scoring remedies and multiple applicant populations. Additional remedies were recommended to the committee during public comment—including passing all of those within 80-100 points of the cut score and retaking parts of the exam. Data presented in the meeting included February 2025 pass rates disaggregated by applicant type, law school type, jurisdictional background, and race/ethnicity. The demographic data is provided (Attachment A) to aid the Board in its discussion of potential remedies but recommended remedies must not be based on protected characteristics of applicants.

Exam results across all applicant types and demographic groups (see Attachment A) showed notable increases. The overall pass rate for the General Bar Exam (2-day exam) reached 55.9 percent—the highest for any February or spring administration since 1965, and 20 percentage points higher than the 10-year average pass rate of 35 percent. The pass rate for the Attorneys' Exam was 76.5 percent, far exceeding the 10-year average of 49 percent. For attorneys taking the General Bar Exam, the pass rate was 88 percent, also more than 20 percentage points higher than the 64 percent 10-year average for this cohort. In addition to the overall increase, the February 2025 results reflected a reduction in disparities in the pass rate for people of color and continued a three-year trend of test takers with testing accommodations exceeding the overall test-taker pass rate.

- The difference in pass rates between Black test takers and white test takers decreased from a 10-year average of 20 percentage points, to approximately 11 points.
- For Hispanic/Latino test takers, the difference narrowed from 17 percentage points to 12.

The pass rate for all test takers with approved Testing Accommodations on the February 2025 California Bar Examination was 65.1 percent, an increase from 37 percent in February 2023 and 40 percent in 2024 and is above the ten-year average of 31 percent for this group for the years 2015 to 2024. The pass rate for test takers with approved testing accommodations was 7.5 percentage points higher than the overall pass rate for all test takers (57.6 percent)—a gap that has widened from 4 points in February 2024 and 2 points in February 2023.

Options and Special Populations

Non-Scoring Remedy (Options)

- **Provisional Licensure with Bar Exam Requirement** – Temporary license under supervision; requires passing the bar exam
- **Provisional Licensure with Pathway** – Supervised practice, leads to full licensure
- **Portfolio Bar Exam** – Alternative demonstration of competence through submitted legal work and supervised practice hours (does not require passing a bar exam)
- **Special Admission for Out-of-State Attorneys** – Modeled after RMSA, practice under supervision
- **Admission on Motion** – Full admission without exam for experienced attorneys (statutory change needed)
- **Diploma Privilege** – Admission based on law school graduation alone
- **Pass Those Who Qualified for Second Read** – Automatically pass those who went to Second Read in February 2025 (their first read scores were within 40 points of passing)
- **Prior Performance Imputation** – Combine prior and current scores across exams
- **Score Substitution** – Use prior stronger section scores in place of Feb 2025 scores
- **Partial Retake** – Retake only one portion of the exam (e.g., PT)
- **Pass Those 80–100 Points Below Current Score** – Broadens passing margin

Special Populations Considered

- First-Time Takers
- Repeat Takers
- Applicants Who Withdrew from February 2025 Exam
- U.S.-Licensed Attorneys (1-day and 2-day)
- Foreign-Licensed Attorneys
- Foreign-Educated Law Graduates
- Graduates of ABA-Approved Law Schools
- Graduates of California-Accredited Law Schools
- Graduates of Registered Law Schools
- Law Office Study Participants
- Applicants by Race/Ethnicity, Gender, or Age
- Applicants Testing with Accommodations
- Second-Read Eligible Applicants
- Disbarred CA Attorneys Seeking Reinstatement (exam required by statute)

DISCUSSION

The Committee of Bar Examiners engaged in a robust discussion of the varied remediation measures, guided by detailed performance and demographic data, members focused on identifying timely, equitable remedies for affected applicants that are also administratively feasible and legally sound.

After significant discussion, the CBE recommended moving forward proposals to: (1) expand and extend of the Provisional Licensure Program (PLP) under Rule 9.49 (the original PLP which requires passage of a bar exam); and (2) development of a pathway for admission on motion for attorneys licensed in other U.S. jurisdictions, contingent on statutory change, and an interim expedited special admissions process for these attorneys.

PROVISIONAL LICENSURE PROGRAM

The [staff report](#) for the Board’s April 2, 2025, meeting included a description and brief history of the PLP. The Committee of Bar Examiners recommended expanding and extending the existing Provisional Licensure Program under Rule 9.49 to include February 2025 California Bar Exam applicants who were either unsuccessful or who withdrew from the exam. To expedite implementation, the CBE recommended that the program requirements remain the same as currently set forth in the rule, with the following exceptions: (1) the program would sunset (for both current participants and the new cohort) two years after implementation or on December 31, 2027, whichever is later; and (2) the rule specify that the State Bar set a reasonable fee for application and participation with the intent that the fee aligns with the costs of program operation.

This approach offers a timely, equitable remedy that allows affected individuals to engage in supervised legal practice until they can pass a future bar exam. The extension also benefits the 71 participants still enrolled in the original 2020 Provisional Licensure Program, who would otherwise be required to exit the program when it sunsets on December 31, 2025.

In evaluating whether to expand the Provisional Licensure Program, both access and public protection are central considerations. Expansion would provide those who withdrew or did not pass the February 2025 exam with a structured opportunity to practice law under supervision, supporting access for individuals adversely affected by an exceptionally challenging administration. On the public protection side, while no measure is perfect, the best available indicator remains the complaint data associated with current PLP participants. The following data is provided to address that concern. Provisionally Licensed Lawyers (PLLs)—the licensee category practicing under the program—have lower complaint, investigation, and charge rates than the active-attorney population as a whole. The increase in the complaint and discipline rate from 2021 to 2022 is due to a significant decrease in the numbers of PLLs from 2021. Only one PLL case has reached pre-filing (in 2023), and no PLL has been disciplined to date. Because the PLL population is small (only 71 remaining PLLs), year over year changes should be reviewed with caution.

Provisionally Licensed Lawyers (PLLs) - includes only complaints, investigations, or charges that occurred **before** admission to the Bar, consistent with prior analyses

	2021	2022	2023	2024
PLL complaint rate	1%	5%	1%	3%

PLL investigation rate	1%	4%	1%	1%
PLL charge rate	0.0%	0.0%	0.3%	0.0%
PLL Discipline rate	0.0%	0.0%	0.0%	0.0%

All Active Licensed Lawyers

	2021	2022	2023	2024
Complaint rate	5%	5%	6%	6%
Investigation rate	2%	2%	3%	2%
Charge rate	0.2%	0.2%	0.1%	0.2%
Discipline rate	0.2%	0.1%	0.1%	0.1%

ADMISSION ON MOTION AND SPECIAL ADMISSION FOR ATTORNEYS BARRED IN OTHER US JURISDICTIONS

The Committee of Bar Examiners recommended pursuing two related remedies to address the unique position of attorneys already licensed and in good standing in other U.S. jurisdictions who were unsuccessful or withdrew from the February 2025 California Bar Exam. First, the CBE recommended that, if pending legislation (Assembly Bill 1522) changes the requirement that attorneys in other jurisdictions sit for the Attorneys' Exam or the General Bar Exam, the State Bar develop an Admission on Motion process that would allow these attorneys to be admitted to practice in California without taking the California Bar Exam. Second, as an interim measure, the CBE recommended the expedited development of a special admissions process under new rules of court, modeled after the Registered Military Spouse Attorney (RMSA) Program. This would permit practice under supervision in California for qualifying attorneys while legislative changes or implementation of an admission on motion proposal are pending.

These remedies recognize that attorneys already admitted in other jurisdictions have demonstrated minimum competence and are often relocating or seeking licensure in California for professional or personal reasons. Creating streamlined options tailored to this population addresses immediate access-to-practice concerns.

The CBE's proposed remedies are designed to offer practical relief to applicants affected by the February exam 2025 administration, beyond that provided by the scoring adjustments ordered by the Supreme Court.

PREVIOUS ACTION

Between 2022 and 2024, the Board of Trustees and the California Supreme Court considered a range of proposals related to provisional licensure and alternative pathways to bar admission:

- In [November–December 2022](#), the Board reviewed and recommended an extension of the Provisional Licensure Programs to the Supreme Court.
- In [May 2023](#), the Board reviewed the final report of the Blue Ribbon Commission on the Future of the Bar Exam, which included proposals for alternative licensure and attorney reciprocity.

- In [November 2023](#), the Board considered a working group proposal for a Portfolio Bar Exam following a public comment period.
- In [October 2024](#), the Supreme Court declined to adopt both the Portfolio Bar Exam and the reciprocity proposal, citing legal and practical concerns.

More recently, on [March 14, 2025](#), the Committee of Bar Examiners (CBE) voted to recommend expanding the Provisional Licensure Program to include February 2025 bar exam takers and those who withdrew. On [April 2, 2025](#), the Board postponed consideration of that recommendation and directed the CBE to review a broader range of remedial options following the release of exam results, with special attention to applicants licensed in other jurisdictions.

On [April 18, 2025](#), the Committee of Bar Examiners discussed potential scoring adjustments for the February 2025 Bar Exam and ultimately recommended a downward adjustment to the raw passing score. Specifically, the committee proposed setting the passing threshold two standard errors of measurement below the psychometrician-recommended raw score to account for the unique challenges associated with the administration of the exam. In addition, the CBE recommended imputing scores for applicants who completed at least four of the six written questions and two-thirds of the scored multiple-choice items. On [May 2, 2025](#), the California Supreme Court approved and ordered implementation of both the adjusted raw passing score and the score imputation recommendation.

FISCAL/PERSONNEL IMPACT

The Provisional Licensure Program infrastructure is already built within the Admissions Information Management System (AIMS); minor modifications would be required to expand to the new cohort and change the program's expiration date. The CBE's recommendation to change the fee from the minimal \$75 to an amount that covers the costs of the program would cover any incremental costs and the costs of continuing the program through the end of 2027.

The development of a new special admissions process for U.S.-licensed attorneys will require the development of rules, building the infrastructure within AIMS for this new program, website updates, and staff training. Using the existing Registered Military Spouse Attorney special admissions program as a model should reduce the level of effort required for these activities, but will nonetheless impact the Office of Admissions, the Office of General Counsel, and the Office of Information Technology. Application fees should be set at an appropriate level to align with operational costs.

If statutory amendments permit admission on motion, staff will need to undertake a full revision of the eligibility requirements for U.S.-licensed attorneys seeking admission. This revised framework will be reviewed and recommended by the CBE. In parallel, staff will also need to develop and implement a new internal process to manage the corresponding application pathway.

AMENDMENTS TO RULES

- California Rules of Court, rule 9.3(a)
- California Rules of Court, rule 9.49

- Rules of the State Bar, Title 4, Division 1, Chapter 2, Rule 4.15-4.16

In addition, to allow admission on motion for attorneys barred in other US jurisdictions, Business and Professions Code section 6062 will need to be amended. Amendments to this section are currently included in [Assembly Bill 1522 \(Judiciary\)](#), which is currently pending in the California Legislature as urgency legislation.

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 approves advancing to the California Supreme Court the following remedial programs for applicants who were unsuccessful on or withdrew from the February 2025 California Bar Exam, with the parameters described below:

1. Expansion and Extension of Rule 9.49: Provisional Licensure Program
 - a. The program shall be amended to include February 2025 California Bar Exam applicants who either did not pass the exam or who withdrew prior to testing.
 - b. The program shall expire two years after implementation or December 31, 2027, whichever is later. This expiration date shall apply to those currently in the program and to the new cohort.
 - c. The State Bar may set an appropriate application fees to be paid by the program participants to cover the costs of implementing and administering the program.
2. Admission Pathways for U.S.-Licensed Attorneys
 - a. If Bus. & Prof. Code section 6062 is amended to allow a path to licensure for US barred attorneys without sitting for the California Bar Exam, the State Bar shall develop an Admission on Motion process for attorneys licensed and in good standing in other U.S. jurisdictions.
 - b. In the interim, the State Bar shall develop and implement an expedited special admissions process for attorneys licensed and in good standing in other U.S. jurisdictions who took or withdrew from the February 2025 California Bar Exam.

ATTACHMENTS

- A.** Pass Rates for the Past Ten Years by Population-Type
- B.** Key Considerations for Special Admission for Out-of-State U.S. Attorneys

Pass Rates for the Past Ten Years by Population-Type

Table 1. February California General Bar Exam (2-Day) Pass Rate by Demographic Group (2015–2025)

Demographic Group	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2015-2024 Average Number of Test Takers	2015-2024 Average Pass Rate	2025 Number of Test Takers	2025 Pass Rate
Men	39%	34%	34%	26%	32%	26%	35%	38%	31%	32%	1,898	33%	1,453	58.2%
Women	40%	37%	35%	28%	31%	27%	39%	30%	33%	35%	2,197	33%	2329	54.5%
Asian	34%	30%	32%	22%	27%	23%	30%	31%	30%	28%	875	29%	1,088	51.0%
Black	30%	16%	23%	18%	20%	17%	24%	17%	19%	22%	346	21%	305	52.5%
Hispanic	34%	31%	34%	25%	27%	21%	31%	25%	24%	27%	647	28%	604	52.0%
White	44%	43%	39%	33%	39%	32%	46%	43%	41%	42%	1,669	40%	1,037	63.9%
Other	38%	32%	29%	23%	24%	28%	43%	35%	36%	40%	475	33%	718	56.0%
Decline to Answer	N/A	N/A	N/A	N/A	N/A	41%	46%	48%	39%	38%	127	42%	134	58.2%

Note: Number of test takers and pass rates for 2025 are preliminary and are subject to change. Final exam statistics are published on the State Bar's Exam Statistics webpage following the release of results, certification from law schools, and updates are made when necessary. "Men" and "Women" groups include those that selected only one gender, those that selected more than one gender, "Decline to answer", or "Other" are not included. For race/ethnicity groups, "Other" is comprised of American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, individuals who selected more than one racial/ethnic group, and individuals who selected the racial/ethnic category "Other." "Declined to answer" was not a reporting category in 2015 through 2019. Data is missing for 1% of test takers' race/ethnicity data in 2017 due to suppressed data values for groups <11 in State Bar reports.

Table 2. February California Bar Exam Pass Rate by Applicant Group (2015–2025)

Applicant Type	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2015-2024 Average Number of Test Takers	2015-2024 Average Pass Rate	2025 Number of Test Takers	2025 Pass Rate
All Test Takers	40%	36%	35%	29%	33%	28%	40%	37%	35%	36%	4,578	35%	4,231	57.6%
With Testing Accommodations	38%	27%	27%	15%	N/A*	27%	39%	32%	37%	40%	303	31%	456	65.1%
Attorneys' Exam (1-Day)	46%	43%	45%	43%	47%	39%	57%	62%	57%	53%	376	49%	331	77.9%
Disciplined Attorneys*	0%	8%	14%	0%	26%	0%	13%	30%	6%	23%	22	12%	14	42.9%
General Bar Exam (2-Day)	40%	36%	35%	27%	31%	27%	37%	34%	33%	34%	4,142	33%	3,886	55.9%
First Time Takers	47%	45%	39%	39%	41%	38%	53%	53%	45%	45%	1,231	44%	1,162	62.1%
Repeat Takers	36%	32%	33%	23%	28%	22%	27%	24%	28%	29%	2,912	28%	2,724	53.2%
US Attorneys Taking the General Bar Exam	61%	62%	56%	60%	62%	53%	77%	74%	68%	69%	436	64%	313	87.9%
ABA Approved (Total)	46%	43%	43%	32%	38%	32%	46%	38%	39%	42%	2,115	40%	1,516	68.4%
ABA Approved (CA)	49%	46%	46%	34%	39%	33%	49%	39%	39%	44%	1,524	42%	1,078	69.0%
ABA Approved (Out-of-state)	39%	35%	35%	29%	34%	29%	40%	36%	37%	38%	591	35%	438	66.9%
CA Accredited	20%	18%	16%	12%	16%	11%	23%	19%	20%	22%	631	17%	739	46.1%
CA Registered Unaccredited	21%	14%	11%	11%	16%	10%	22%	16%	13%	16%	232	15%	111	45.9%

Applicant Type	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2015-2024 Average Number of Test Takers	2015-2024 Average Pass Rate	2025 Number of Test Takers	2025 Pass Rate
Law Office or Judges' Chambers Study*	50%	...	...	...	...	...	...	...	25%	...	...	...	...	...
Foreign Attorneys	23%	16%	17%	16%	17%	20%	23%	29%	24%	24%	498	21%	811	44.6%
Foreign Educated/JD Equivalent Plus One Year of US Education	21%	13%	16%	11%	16%	13%	16%	15%	22%	19%	209	16%	323	31.0%

Note: Number of test takers and pass rates for 2025 are preliminary and are subject to change. Final exam statistics are published on the State Bar's Exam Statistics webpage following the release of results, certification from law schools, and updates are made when necessary. Data unavailable for years due to suppressed data values for groups <11 in published State Bar reports. Results in this table reflect pass rates for the General Bar Exam except for when otherwise noted. Disciplined attorneys take One-Day Attorney's Exam.

*In 2019, the State Bar launched the online Applicant Portal. During the transition period, testing accommodations applications were submitted in both hard-copy and online formats. Because of this, staff were unable to verify the 2019 data in time for the Board meeting. As a result, the 2019 figures are not included in this table.

Key Considerations for Special Admission for Out-of-State U.S. Attorneys

This document was developed in response to the recommendation from the Committee of Bar Examiners, and has not yet been shared with CBE, but is in general alignment with the discussion and action taken on May 5, 2025.

Creation of a special admissions program for Out-of-State U.S. licensed attorneys who withdrew from, or were not successful on the February 2025 bar exam would require a new California Rule of Court and new Rules of the State Bar under Division 3 (Non-Licensee Attorneys), Chapter 1 (Multijurisdiction Practice).

The program, based on the Registered Military Spouse Attorney (RMSA) program, potentially titled the Registered Out-of-State U.S. Attorney Program, would require that the out-of-state attorney:

- Be an active licensee in good standing in any U.S. jurisdiction;
- Be registered as an attorney applicant with the Office of Admissions;
- Took and did not pass the February 2025 California Bar Exam;
- Possess a valid positive moral character determination or have a pending Application for Determination of Moral Character;
- Obtain a Supervising Attorney; and
- Acknowledge that they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar, and will not practice law in California other than as permitted by the program under the supervision of their Supervising Attorney.

If the new program mirrors the RMSA rules, the Supervising Attorney must:

- Be a licensee in good standing of the State Bar of California;
- Have practiced law for at least four years in any U.S. jurisdiction, and have practiced law in California for at least two years immediately preceding the start of their supervision of the attorney applicant;
- Assume professional responsibility for any work performed by the attorney applicant under the program;
- Assume representation of clients in the event the attorney applicant becomes ineligible to practice under the program or is otherwise unable to continue the representation; and
- Attest that, to the best of their knowledge after reasonable inquiry, the attorney applicant has good moral character and qualifies for the program.

Mirroring the RMSA Program will allow the Out-of-State Attorney applicant to practice law in California without the restrictions imposed by the Registered In-House Counsel (RIHC) and Registered Legal Aid Attorney (RLAA) Programs. In those programs, attorney applicants can only provide legal advice through their Qualifying Institution or an eligible Legal Aid Organization.

If the Committee of Bar Examiners (CBE) and the Board of Trustees choose to recommend the new program, there would need to be additional discussion to decide whether to limit participation to those who currently reside in California, as the RMSA and RIHC rules currently do. Of note, proposed rule

revisions, which the CBE previously approved to request to circulate for public comment, remove the residency provision.