

1.3 Adoption of Charter and Membership of Subcommittee on Exam Administration and Subcommittee on Exam Development



The State Bar of California

OPEN SESSION

AGENDA ITEM

1.3 JUNE 2025

COMMITTEE OF BAR EXAMINERS

DATE: June 20, 2025

TO: Members, Committee of Bar Examiners

FROM: Alex Chan, Chair, Committee of Bar Examiners

SUBJECT: Adoption of Charter and Membership of Subcommittee on Exam
Administration and Subcommittee on Exam Development

EXECUTIVE SUMMARY

At its April 18, 2025, meeting, the Committee of Bar Examiners (CBE) added items to its work plan to reflect the more hands-on role the committee would serve in the review and selection of vendors for exam administration, as well as the method of exam delivery. In addition, CBE will assume more responsibility regarding exam development, as reflected, for example, in the items on this agenda related to selection, recruitment, and eligibility to content validation and standard validation panelists and subject matter experts. At the May 30, 2025, CBE meeting, the committee adopted resolutions establishing two new subcommittees: one on exam administration and one on exam development, subject to review of the charters for each.

RECOMMENDED ACTION

Confirm the decision to establish the Subcommittee on Exam Administration and the Subcommittee on Exam Development, adopt the charters, and appoint members to each of these subcommittees.

DISCUSSION

The February 2025 California Bar Exam introduced a new testing platform as well as the use of multiple-choice questions developed and validated for and by the State Bar. The rollout of the new platform was marred by numerous administrative and technical failures, resulting in a challenging experience for many examinees. Questions have arisen about the multiple-choice

questions, including the makeup of the content validation panels, question accuracy and format, and copyediting issues. The Supreme Court has made clear the vital role that CBE should play in key decisions regarding the administration and development of bar exams. On May 30, 2025, CBE Chair Chan recommended establishing two subcommittees: the Subcommittee on Exam Administration and the Subcommittee on Exam Development Subcommittee, to assist the CBE in carrying out this work. In so doing, Chair Chan outlined the intended scope and responsibilities of each. Chair Chan's proposed scope and responsibilities are fully detailed in the subcommittee charters provided in Attachment A for the committee's consideration.

PREVIOUS ACTION

At the May 30, 2025, CBE meeting, Chair Chan proposed the establishment of the two subcommittees. Committee members expressed interest in reviewing the subcommittee charters more thoroughly. The CBE adopted the Chair's recommendation to establish the subcommittees, contingent upon reviewing their respective charters at the June 20, 2025, CBE meeting.

FISCAL/PERSONNEL IMPACT

No

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 Chair Chan's recommendation:

RESOLVED, that the Committee of Bar Examiners confirms its prior action establishing the Subcommittee on Exam Administration and adopts the charter, as set forth in Attachment A; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners confirms its prior action establishing the Subcommittee on Exam Development and adopts the charter as set forth in Attachment A; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners appoints the following members to the Subcommittee on Exam Administration: [] and the following members to the Subcommittee on Exam Development: [].

ATTACHMENT LIST

A. Charters for the Subcommittees on Exam Administration and Exam Development

Charters for the Subcommittees on Exam Administration and Exam Development

Subcommittee on Exam Administration

Oversee all aspects of the operational delivery of the California Bar Examination. The subcommittee's primary charge is to ensure that the administration of the bar exam is secure, technologically reliable, user-friendly, accessible to all applicants, and compliant with applicable policies and standards.

Scope of Responsibilities:

- Evaluate the technological infrastructure and logistics associated with administering the bar examination in both in-person and remote formats.
- Develop and maintain protocols to ensure timely and error-free exam delivery, including contingency planning for technical disruptions.
- Identify, research, and evaluate exam delivery vendors capable of supporting secure and user-friendly exam platforms.
- Oversee the vetting and selection process for third-party vendors, including reviewing requests for proposals (RFPs), conducting interviews, and assessing vendor compliance with accessibility, security, and performance standards.
- Serve as the point of coordination with State Bar staff and the full Committee of Bar Examiners for all matters related to exam delivery, software performance, applicant support systems, and incident response protocols.
- Monitor post-exam feedback, vendor performance metrics, and applicant-reported issues to drive continuous improvement in exam administration.
- Make policy recommendations to the full Committee of Bar Examiners regarding best practices and future enhancements to the bar exam delivery process.

Subcommittee on Exam Development

Oversees the preparation, quality control, and integrity of all content included in the California Bar Examination. The subcommittee's primary charge is to ensure that all bar exam questions meet legal, psychometric, and fairness standards, and that content development is free of bias, error, or security risk.

Scope of Responsibilities:

- Work closely with State Bar staff, subject-matter experts, psychometricians, and approved exam content vendors to oversee the drafting, review, and validation of all examination items, including multiple-choice questions (MCQs), essay prompts, and performance test tasks.

- Ensure that all content is aligned with the published content maps and complies with Business and Professions Code § 6046.6, including adherence to applicable notice requirements for any substantive changes in testable material.
- Ensure that the scope of tested content remains consistent with guidance and directives issued by the California Supreme Court, including the integration of evolving legal topics and skills that reflect modern practice and expectations for minimum competence.
- Review proposed additions or modifications to testable subject matter to confirm that such changes are appropriately scoped, publicly disclosed where required, and consistent with long-term licensing policy objectives.
- Oversee and advise on the quality control process for exam content, including legal accuracy, formatting, grammar, and clarity.
- Establish and review item selection criteria, content rotation protocols, and security measures related to test integrity, security, and confidentiality.
- Review post-exam psychometric data and item performance analyses to identify flawed questions and make recommendations to the committee about questions to remove from scoring, and to support future content calibration.
- Serve as liaison with the Board of Trustees and any external entities involved in exam content development, ensuring that those entities operate under strict conflict-of-interest protocols and contractual protections.
- Develop and maintain ethical and procedural standards for contributors to exam development, including screening for conflicts of interest and ensuring independence from commercial bar preparation enterprises.