

2.4 Approval of May 30, 2025, Open Session Minutes



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Friday, May 30, 2025
9:05 a.m.–2:38 p.m.
2:53 p.m.– 2:54 p.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:05 a.m. The Committee moved to closed session at 2:38 p.m. The Committee returned to open session at 2:53 p.m. The meeting adjourned at 2:54 p.m.

Time Meeting Adjourned: 2:54 p.m.

Chair: Alex Chan

Committee Coordinator: Adrian Galang

Members Present: James A. Bolton, Ph.D., Alex H. Chan, Paul A. Kramer, Esther Lin, Justice Shama H. Mesiwala, Joshua Montgomery, Bethany J. Peak, Vincent Reyes, Ashley Silva-Guzman, Juliane Smith, Alan Yochelson

Members Absent: Michael Cao, M.D., Kareem Gongora, Larry Kaplan, Alexander C. Lawrence, Jr., Judge Renee C. Reyna

State Bar Executive Staff Present: Donna Hershkowitz

OPEN SESSION

ROLL CALL

The Committee of Bar Examiners meeting was called to order by Chair Chan. Roll call was taken and a quorum was established.

PUBLIC COMMENT

Chair Chan called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Committee:

1. Justin Jennings:
As a repeat applicant, described how technical limitations during the Performance Test (PT)—particularly the lack of expected functionality—disproportionately affected performance and prevented demonstration of skills; noted scoring disparities across sections and called for remedies such as imputed PT scores or awarding the higher of two reads.

2. Christian Gianni:
Urged the committee to adopt the higher of two reads instead of averaging; emphasized a commitment to public interest law and explained how failure to pass due to technical issues prevented ability to serve vulnerable clients despite strong qualifications and professional background.
3. Inan:
Disagreed with the committee's blanket remedies as biased, highlighting inequities between affected and unaffected applicants; identified technical issues at in person exam site and argued they relied on assurances about the functionality; advocated for awarding the higher of two reads as a fair and targeted remedy.
4. Robbie:
As an advocate for an applicant who took the February 2025 bar exam, recounted witnessing technical failures and unmet proctor promises of individualized remedies; presented data comparing PT outcomes among affected and unaffected groups and urged adoption of the higher of two reads to correct scoring disparities.
5. Benjamin Kohn:
Challenged the one-size-fits-all remedies, especially for applicants who did not receive approved accommodations; proposed quantifiable raw score adjustments for lost time and cumulative remedies that include second reads, imputed scores, and retroactive passage for accommodation-related failures.
6. Sham:
Argued that the February 2025 bar exam significantly differed from other exams and the State Bar should not be trying to compare this exam to other exams; urged remedies including awarding the higher of the first and second read scores and allowing substitution of a prior PT score due to widespread disruptions that undermined fairness and integrity.
7. Jazmine Wolterding-Williams:
As a first-time bar exam applicant who fell short of passing, expressed how unfair PT scoring skewed the results despite strong performance on essays; supported adoption of the higher of two reads and highlighted inconsistencies across exam sections; called for fair remedies that acknowledge adversity.
8. Don H.:
Questioned as inconsistent the staff materials comparing different exam administrations and at the same time opposing partial retakes; urged implementation of remedies including awarding higher read scores, PT-only retakes, and transparency in grading to restore public trust.
9. Lubna:
Requested that affected applicants receive imputed PT scores or be allowed a PT-only retake; disagreed with the use of high overall pass rates to minimize failures caused by exam administration flaws and demanded acknowledgement of harm to applicants caused by technical breakdowns.

10. Tommy Hogan:
Stated severe technical delays and disruptions during multiple sessions of the bar exam; advocated for awarding the higher of two reads, limited retakes for affected sections, and an appeal process for individualized consideration; argued that historical norms should not override equitable remedies.
11. Ashley Evans:
As the daughter of a February 2025 bar exam applicant, expressed concern over lack of meaningful remedies and criticized the full retake requirement; described the exam as a due process failure and urged the committee to allow PT-only retakes or award passing scores for impacted applicants.
12. Akif Khan:
Requested adoption of the higher of two essay reads; argued that the 55% pass rate was misleading because of all the withdrawals in advance of the exam; noted that using the higher score is narrow, reasonable, and supported by Supreme Court guidance.
13. Syuzanna Ghavazyan:
Described accommodation failures and significant technical issues that led to lost time and incomplete exam responses; had a close to passing score despite these challenges and requested both individualized remedies and adoption of the remedy to use the higher of the first and second read score for all impacted applicants.
14. Hamideh Mirzahosseini:
Identified extensive disruptions including proctor errors and disconnections, which severely affected focus and performance; noted that awarding the higher of two reads alone may not be enough for applicants whose PT scores remained disproportionately low.
15. Lola:
Addressed the failure to uphold ADA accommodations and raised concerns about contractor reliability and test administration integrity; requested that PT and multiple-choice scores be disregarded for applicants who were denied accommodations and called for equitable treatment of disabled examinees.
16. Darlene Boggs:
Advocated for automatic passage of second-read applicants and fair remedies for those affected by confirmed technical and grading failures; referenced psychometric research showing second-read scores are statistically indistinguishable from passing and called for transparency and integrity in the resolution process.
17. Megha Sharma:
Described missing the passing score by less than one point despite severe technical issues across both exam days; advocated for adoption of the higher of two reads and creating an appeal process for applicants close to passing, emphasizing fairness and commitment to the legal profession.
18. John J. Groth:
Shared a personal story of overcoming health challenges and family responsibilities to pursue

law; stated that adopting the higher of the first and second read scores would result in a passing score and requested the committee consider the personal impact of its decisions.

19. Sara Badrani:

Reported significant glitches during the PT, which led to the lowest score they had ever received despite strong performance on other sections; requested adoption of the higher of two reads to fairly reflect effort and ability.

20. Tatevik Asilbekyan:

Challenged the accuracy of the reported pass rate by highlighting the large number of late withdrawals; proposed multiple remedies, including recognition of prior scores, additional scaled points for experimental testers, streamlined background checks, and fee reimbursements.

21. Parul Turnquist:

Asserted ADA accommodation violations during two exam administrations that severely impacted performance, including placement far from restrooms, denial of reduced distraction accommodation; stated that an incomplete essay was uploaded and the accommodations schedule placed the PT on the second day of the exam when there were more technical issues; requested passage based on prior scores or adjustments; highlighted the discriminatory impact of denied accommodations.

22. Mahdis Atashbeik:

Reported displacement due to wildfires and technical disruptions during the bar exam, despite which they were close to passing the exam; disagreed with current proposals as ignoring applicants who completed the exam under compromised conditions and requested a provisional licensure pathway as a meaningful remedy.

23. Tamara Sack:

Requested passage for all second-read applicants, describing grading inconsistencies between reads and technical issues during the PT; criticized the decision to impute scores to blank answers as not a valid assessment of minimum competence.

24. Lakshmi:

As a parent of a February 2025 bar exam applicant, explained that provisional licensure is not accepted by many public employers; detailed the applicant's experience of lost time during the PT and questioned the timeline and transparency of appeal responses.

25. Gazzal Bishnoi:

Described taking the exam while pregnant and being hospitalized afterward due to complications; called for passage of all second-read applicants; detailed widespread technical failures and grading inequities that compounded stress and compromised performance.

26. Katie Moran, Associate Professor, Co-director of Academic and Bar Exam Success, USF School of Law:

As a bar exam preparation professor, disagreed with the committee's rejection of individualized remedies and urged adoption of four proposals including partial retakes, arguing that February's exam design and grading lacked psychometric integrity and required special solutions.

27. Yvana Carballido:
As a foreign-trained attorney and first-time bar exam applicant, reported passing all written sections but failing due to a low multiple-choice score; requested a partial retake of the multiple choice and reduced supervision requirements under provisional licensure due to the unfair test conditions.
28. Mary Basick, Assistant Dean of Academic Skills, UCI School of Law:
As a law professor, supported adopting the higher of two reads for second-read applicants; explained that wide score discrepancies reflect grading inconsistencies caused by varying exam conditions and argued this remedy preserves objectivity and fairness.
29. Terry Elliott:
Expressed that the February 2025 bar exam was unprecedented and noted that more applicants received second reads than in prior years, but with lower scores; urged passage of all second-read examinees, appeals for those who did not receive their approved accommodations and prompt remedies to address known harms.
30. Dana Allen:
As a cancer survivor who received testing accommodations, described being logged out while time continued to run, logged in to another applicant's exam, and losing portions of written responses; reported lack of support from the State Bar despite repeated outreach and requested fair remedies and recognition of the harm caused.
31. Bernice Vanderpool:
Reported ADA violations, including being required to sit in front of the computer for 6 hours without a bathroom break and being told would not be allowed to resume the exam they left to use the rest room; called for immediate remedies, asserting that delays may lead to legal action under federal ADA statutes.
32. Umit Ozdemir:
Reported narrowly missing the passing score despite disruptions and strange multiple-choice content; urged the committee to adopt the higher of the first and second read scores and follow the Supreme Court's direction to prioritize fairness since the exam was demonstrably flawed.
33. Speaker ending in 2579:
Advocated for adopting the higher of the first and second read, arguing it would restore fairness and only marginally increase the pass rate; emphasized the arbitrary nature of passing based on reader assignment; questioned the reliance on flawed statistical comparisons.
34. Gabriela Posada:
Reported repeated violations of ADA accommodations during all four exam days; called for the restructuring of the accommodations process to comply with federal and state laws; detailed extensive disruptions and requested non-retake pathway to licensure for impacted candidates.
35. Jessica Tejada:
Urged adoption of remedies previously suggested by the Board of Trustees, including PT-only retakes and use of the higher of first and second read scores; described severe technical issues and inequitable scoring outcomes that led to failure despite passing other sections.

36. Danny Oh:
Supported use of higher scores from first or second reads, use of previous scores on prior exams, and partial retakes; stated exam interruptions and proctoring interference led to failure despite strong prior performance; requested fair accommodations similar to others who received score imputations.
37. MacKenzie Trexler:
Requested section-specific retakes due to the bar's failure to provide adequate notice of exam changes as required by statute; disagreed with the use of AI-generated MCQs and last-minute revisions; emphasized public trust and the need for fair redress.
38. Christina Tajerian:
Experienced repeated browser crashes and ineffective proctor assistance during MCQ sessions; requested the higher of the first and second read scores or passing all applicants who advanced to the second read phase; emphasized the toll on mental health and job security due to exam disruptions.
39. Jiselle Lopez:
Supported remedies allowing use of the higher of the first and second read scores and PT-only retakes in July 2025 or use of prior PT scores; emphasized the cost-effectiveness of proposed solutions and noted the unfairness of score averaging.
40. MG:
Stated the misleading use of statistics to obscure harm; highlighted inconsistencies in scoring and the experimental nature of the February exam; questioned whether MCQs were attributed to the right applicants; advocated for section-specific retakes, 40-point adjustments, ADA-specific appeals, and provisional licensure with a clear pathway.
41. Alex Fazeli:
Questioned the validity of MCQs not authored or validated by lawyers; argued for basing passage on written performance or validated retake options; called for public release of all MCQs to promote transparency and restore trust in the system.
42. Joanna Delasse:
Described how accommodations were rendered meaningless by inadequate implementation; urged passage of all second-read applicants or use of higher scores; called for immediate publication of review timelines, proactive applicant notifications, and formal written follow-up.
43. Michael Sitkin:
Supported the use of higher of the first or second-read scores, citing technical disruptions and scoring disparities; critiqued staff reliance on outdated data and called for remedies grounded in justice and consistent logic.
44. Can Deng:
Reported significant login interruptions during MCQ sessions while testing remotely from London; noted significant score disparities compared to practice tests; requested that MCQ scores for disrupted sections be fully imputed to reflect fairness.

45. Speaker ending in 9912:
Supported passing all second-read applicants and raised the issue of continued legal action against Measure Learning despite the continuing negative impacts against applicants; cited personal scoring anomalies and described the February exam's remote administration as incomparable to previous in-person administrations.
46. Victoria Tulsidas:
Urged the committee to accept the higher of first or second-read scores, allow PT retakes, and pass all applicants who received a second read; described the exam experience as traumatic and emotionally exhausting; requested timely communication about next steps for examinees.
47. Brenda Souza:
Requested adoption of higher of first or second read scores, PT-only retakes, and formal appeal processes; argued these are necessary remedies, not handouts; emphasized the emotional toll and the resilience shown by affected examinees.
48. Pier Natta:
Suggested that proposed remedies be organized into clear categories such as score imputation, second-read passage, and ADA accommodations for efficient decision-making; emphasized the importance of timely implementation to mitigate continued harm.

1. Chair's Report

1.1 Oral Report

Chair Alex Chan provided an oral report.

1.2 Action on Establishment of a Subcommittee on Exam Administration and Subcommittee on Examination Development

The Committee of Bar Examiners adopts the recommendations of the Chair to establish the Subcommittee on Exam Administration, subject to the review of the subcommittee charter at the June 20, 2025, meeting of the Committee of Bar Examiners.

The Committee of Bar Examiners adopts the recommendations of the Chair to establish the Subcommittee on Exam Development, subject to the review of the subcommittee charter at the June 20, 2025, meeting of the Committee of Bar Examiners.

Moved by Kramer, seconded by Yochelson

Ayes – (11) Bolton, Chan, Kramer, Lin, Mesiwala, Montgomery, Peak, Reyes, Silva-Guzman, Smith, Yochelson

Noes – (0)

Abstain – (0)

Recuse – (0)

Absent – (5) Cao, Gongora, Kaplan, Lawrence, Reyna

Motion passes.

2. Business

2.1 Discussion and Action on Possible Remedies for February 2025 Bar Exam Applicants Pursuant to the May 9, 2025, Recommendation of the Board of Trustees

WHEREAS, the February 2025 bar exam was marred by widespread technological, environmental, and proctor issues causing unacceptable disruptions for some test takers;

WHEREAS, on April 18, 2025, the Committee of Bar Examiners recommended lowering the raw minimum passing score by two standard errors of measure as compared to the recommendation of the psychometrician which would have approximated the pass rate for each component of the exam individually, and to impute missing answers to address the collective effect of the disruptions because the Committee of Bar Examiners did not believe it would be possible to account for the unique circumstances each test taker faced individually;

WHEREAS, the Supreme Court issued an order on May 2, 2025, approving the Committee of Bar Examiners-recommended scoring remedial measures setting the raw passing score for the February 2025 bar exam as 534 and permitting imputation of scores;

WHEREAS, on May 5, 2025, the Committee of Bar Examiners recommended non-scoring remedial measures for February 2025 bar exam test takers;

WHEREAS, on May 9, 2025, the Board concurred with the Committee of Bar Examiners' non-scoring remedial measures and further requested that the Committee of Bar Examiners consider additional potential remedies;

WHEREAS, the State Bar submitted a petition with the Supreme Court seeking approval of non-scoring remedies in relation to the February 2025 bar exam that was filed on May 23, 2025, and remains pending with the Court;

WHEREAS, the Committee of Bar Examiners' current grading policy is to average the first and second read scores and staff were unable to identify the original rationale for this approach;

WHEREAS, a policy decision to use the higher of the first and second read scores for each question would result in 230 additional February 2025 Bar Exam passers;

WHEREAS, the State Bar has identified errors in the February 2025 bar exam scoring process that to date have resulted in 13 test takers who had initially been told they did not pass to later learn that they had in fact passed;

WHEREAS, some public commenters and February 2025 bar exam test takers have questioned the fairness of imputing scores to those who were unable to submit any content for one or more components on the written section but who otherwise had content on at least four (4) questions, arguing that those who were similarly impacted by the technological issues but scrambled to insert at least a few words or concepts entered were effectively punished because they did not have scores imputed;

WHEREAS, some public commenters and February 2025 bar exam test takers have questioned the fairness of imputing scores to those who had blank responses to multiple-choice questions, but who otherwise had answers for at least 114 questions, arguing that those who were similarly impacted by the technological issues but scrambled to insert answers because they had been trained that any answer is better than no answer, were effectively punished because they did not have scores imputed;

WHEREAS, some public commenters and February 2025 bar exam test takers have indicated that the absence of, or difficulties using, the cut and paste functionality especially impacted some test takers on the performance test, because the test taker was expected to apply the law that was provided in the file and library which could not be copied into the response block, and which was exacerbated by the inability to view the response block side-by-side with the file and library;

WHEREAS, the average raw score for the performance test on the February 2025 general bar exam are among the lowest average raw scores for a performance test on any February general bar exam over the course of the last 10 years, matching but not exceeding the lowest scores in February 2020 and 2021;

WHEREAS, some public commenters and February 2025 bar exam test takers have expressed that their approved testing accommodations were not delivered during the February 2025 bar exam; it is therefore

RESOLVED, that the Committee of Bar Examiners adopts for the February 2025 bar exam only, use of the higher of the first or second read score given for each question, for those who qualified for a second read, instead of the current averaging of the two scores awarded for each question; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners recommends to the Supreme Court that for the February 2025 bar exam only, scores be psychometrically imputed for the performance test from the essay scores awarded for each test taker who did not achieve a passing score, using the higher of the first and second read scores on each essay for that test taker, if applicable, and to the extent the imputed score is higher than the given score, the imputed score shall be used. No test taker shall be granted a second read after the imputation should the test taker's scaled score be between 1350 and 1389.99; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners delegates to the Committee Chair or his designee responsibility to work with staff in developing the priorities for the privileged independent consultant review described in the staff report to ensure an expeditious review for those whose outcome could change from fail to pass.

Moved by Yochelson, seconded by Silva-Guzman

Ayes – (6) Mesiwala, Montgomery, Reyes, Silva-Guzman, Smith, Yochelson

Noes – (3) Chan, Kramer, Lin

Abstain – (0)

Recuse – (0)

Absent – (7) Bolton, Cao, Gongora, Kaplan, Lawrence, Peak, Reyna

Motion passes.

CLOSED SESSION

3. Closed Business

3.1 Action on Testing Accommodation Appeals

**Closed pursuant to Business and Professions Code § 6026.7(c)(3)–(4) and Government Code § 11126(c)(1)*

ADJOURNMENT