



AB 1651 – State Bar AI Disclosure

Summary

AB 1651 would require the State Bar of California to disclose the use of artificial intelligence (AI) generated content in developing or administering the State Bar examination. This disclosure requirement applies even if the content is reviewed or revised by a live person.

Existing Law

Under existing law, there is no specific requirement for the disclosure of the usage of AI generated content on the California State Bar Examination. Further, there is no prohibition on the usage of AI when developing the Bar Examination, nor is there a requirement that an employee review the AI generated content prior to it being administered to test takers.

Issue

The administration of the February 2025 California State Bar Examination was historically poor and drew significant criticism from test takers and the legislature alike. Large swathes of test takers reported repeated crashes, inability to access the exam, screen lags, error messages, inability to save essay answers and many multiple-choice questions that were worded incorrectly and contained typos.

The botched administration of the exam led to many students requiring a retake. In addition, the State Bar told lawmakers in a Senate Judiciary Hearing that the response to this fiasco was likely to cost the agency over \$5 million, primarily to offer free exams and additional in-person testing sites for July test-takers.

One of the most concerning revelations that has come to light following this debacle was that many questions were generated using artificial intelligence and were not reviewed by a lawyer before being presented to students. The Executive Director of the State Bar stated in the same Senate hearing that they were unaware of the usage of AI to generate questions for the examination prior to its administration.

Solution

AB 1651 seeks to address the shortcomings of the February 2025 Bar Exam and prevent future issues by requiring the State Bar of California to disclose the use of AI generated content in the development and administration of the State Bar Examination.

This requirement would remain in place even if a live person reviews or revises the content to ensure that students are still aware when AI has been used. The bill has an operative date of January of 2028 to allow adequate time for the State Bar to prepare to comply with these requirements.

AB 1651 provides additional information for our students and encourages transparency by the State Bar without banning the use of generative AI when developing future exams, allowing the State Bar to continue to use this developing technology.

For More Information

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