

AB 2109: California Bar Examination

SUMMARY

AB 2109 will require the Committee of Bar Examiners to replace the California Bar Examination with the National Conference of Bar Examiner's Uniform Bar Examination, or any successor or replacement of that exam

BACKGROUND & ISSUE

In 2024 California rejected adoption of the National Conference of Bar Examiners (NCBE) Multistate bar exam (MBE) in favor of developing their own exam alongside Kaplan North America. The primary reasons for this choice were the ability to administer the test online, cost savings, and the ability to develop CA specific questions for the Bar Examination. The State Bar then fast tracked the development and deployment of this new exam alongside Kaplan, ultimately culminating in the debacle that was the February 2025 bar exam.

The exam faced significant issues, with students complaining of constant crashes, inability to connect to the online testing platform, inability to save essays, poorly worded questions reminiscent of AI, screen lags, consistent error messages and more. While originally hailed as a cost saving measure, the State Bar is estimating costs of nearly \$6 million to cover fee waivers and pay for new in-person testing locations following the botched exam. Additionally, 23 questions were developed by ACS Ventures using AI, rather than utilizing actual attorneys. Another 48 questions were drawn from the first-year law students' exam, colloquially known as the 'baby bar.' This means that 71 of the 171 questions on the February bar examination were developed by AI or recycled from the first-year exam. Ultimately, the troubled administration of the exam led to the Executive Director of the Bar Exam stepping down from their role.

A final point of concern following the exam was the overall pass rate of students. Due to the problems encountered on the exam, the State Bar approved scoring adjustments.

These scoring adjustments led to an overall pass rate of 63%, nearly double the state's historical average. It is important that the bar exam is rigorous, ensuring that future attorneys are well equipped to help their clients. This significantly increased pass rate is cause for concern and should be addressed.

SOLUTION

AB 2109 will prevent further issues in the administration of the bar examination by requiring the Committee of Bar Examiners to replace the California Bar Examination with the National Conference of Bar Examiner's Uniform Bar Examination, or any successor or replacement of that exam, by January 1, 2029.

The National Conference of Bar Examiners was formed in 1931 and is a not-for-profit corporation focused on developing licensing tests for bar admission. Currently, 41 jurisdictions utilize the Uniform Bar Examination, underscoring the reliability and trust placed in the National Conference of Bar Examiners. By requiring a transition to the Uniform Bar, and any successor exam such as the NextGen Bar, we can prevent another debacle like the February Bar Examination, while retaining high standards for our future lawyers.

SUPPORT

None on File

OPPOSITION

None on File

FOR MORE INFORMATION

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