

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 484 (Dixon)
Version: June 19, 2025
Hearing Date: July 1, 2025
Fiscal: No
Urgency: No
AM

SUBJECT

California bar examination

DIGEST

This bill requires the Committee of Bar Examiners to provide a report on whether adopting a uniform bar examination, including, but not limited to, the National Conference of Bar Examiners' Uniform Bar Examination, would be more efficient to administer and lower the cost of administration for the State Bar and examinees, as specified.

EXECUTIVE SUMMARY

The State Bar of California (State Bar) is a public corporation and the largest state bar in the country. Every person seeking to be licensed to practice law in this state must pass the bar exam. The State Bar administers the bar exam twice a year – in February and July. The State Bar used a new exam format and platform for the first time in decades for the February 2025 exam that allowed for both in-person and remote test taking.¹ The administration of the new exam was an unmitigated disaster. Testimonies from examinees to the State Bar Board and to the Senate Judiciary Committee detailed technical glitches and platform freezes, delayed start times and loss of time during the exam, rude proctors, factual errors in questions, cheating, approved testing accommodations not being met, and various distractions during the exam, including screams of frustration by examinees and proctors arguing with each other. Additionally, concerns were raised about the multiple-choice questions on the exam. These concerns have only been exacerbated by the State Bar's recent revelation that artificial intelligence (AI) was used to design some of the questions on the exam. This bill will require the State Bar to provide a report on whether adopting a uniform bar examination would be more efficient to administer and lower the cost of administration

¹ Olivia Hebert, SF Gate, *California's new bar exam launch was a 'disaster.' Now test takers are suing.* (Feb. 28, 2025), available at <https://www.sfgate.com/california/article/california-bar-exam-march-retakes-20192958.php>.

for the State Bar and examinees. This bill is author sponsored. The Committee received no timely support or opposition.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires all attorneys who practice law in California to be licensed by the State Bar and establishes the State Bar, within the judicial branch of state government, for the purpose of regulating the legal profession. (Cal. const., art. VI, § 9; Bus. & Prof. Code §§ 6000 et seq.)
 - a) The Legislature sets the annual fees. (Bus. & Prof. Code § 6140, 6141.)
 - b) The State Bar is governed by the Board of Trustees of the State Bar (Board). (Bus. & Prof. Code §§ 6010 et seq.; § 6016.)
 - c) Establishes the State Bar Act as the statutory requirements regulating the practice of law in this state. (Bus. & Prof. Code §§ 6000 et seq.)
- 2) Establishes that protection of the public, which includes support for greater access to, and inclusion in, the legal system, is the highest priority for the State Bar in exercising their licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is to be paramount. (Bus. & Prof. Code § 6001.1.)
- 3) Authorizes the Board to establish an examining committee (hereafter the Committee of Bar Examiners or CBE) having the power to:
 - a) examine all applicants for admission to practice law;
 - b) administer the requirements for admission to practice law; and
 - c) certify to the Supreme Court for admission those applicants who fulfill the requirements provided in Chapter 4 of the State Bar Act. (Bus. & Prof. Code § 6046.)
- 4) Provides various requirements a person must meet to be certified to the California Supreme Court for admission to practice law in this state, including passing the general bar examination given by the Committee of Bar Examiners. (Bus. & Prof. Code § 6060(g).) The Supreme Court admits persons to practice law in this state.
- 5) Prohibits the Committee of Bar Examiners from altering the bar exam in a manner that requires the substantial modification of the training or preparation required for passage of the examination, except after giving two years' notice of that change. (Bus. & Prof. Code § 6046.6.)

This bill:

- 1) Requires the Committee of Bar Examiners to provide a report to the Board, the Chief Justice of the Supreme Court, and to the Assembly and Senate Committees on Judiciary on whether adopting a uniform bar examination, including, but not limited to, the National Conference of Bar Examiners' Uniform Bar Examination, would be more efficient to administer and lower the cost of administration for the State Bar and examinees.
- 2) Requires the report to be submitted no later than November 30, 2026, and repeals these provisions on January 1, 20230.

COMMENTS

1. Stated need for the bill

The author writes:

AB 484 is a first step in addressing significant shortcomings and critical errors that have been encountered during the administration of recent State Bar examinations in California. AB 484 will assist in increasing transparency by requiring the Committee of Bar Examiners to provide a report to the board of trustees, the Chief Justice of the Supreme Court, and to the Assembly and Senate Committees on Judiciary pursuant 9795 of the Government Code by November 30th, 2026. The report will be on whether adopting a uniform bar examination, including, but not limited to, the National Conference of Bar Examiners' (NCBE) Uniform Bar Examination, would be more efficient to administer and lower the cost of administration for the State bar and Examinees. This will provide the California Legislature and the Supreme Court with vital information to make decisions on test implementation moving forward as well as the feasibility of adopting the NCBE's Uniform Bar Examination.

2. State Bar of California functions as the administrative arm of the Supreme Court for the purpose of assisting in attorney admissions and discipline

As a constitutional matter, the judicial power of California is vested in the Supreme Court, Courts of Appeal, and superior courts. (Cal. Const., art. VI, Sec. 1.) (*In re Attorney Discipline System* (1998) 19 Cal.4th 582, 592; *Obrien v. Jones* (2000) 23 Cal.4th 40, 48.) In addressing this inherent authority to regulate the practice of law, the Supreme Court has explained: "The important difference between regulation of the legal profession and regulation of other professions is this: Admission to the bar is a *judicial function*, and members of the bar are *officers of the court*, subject to discipline by the court. Hence, under the constitutional doctrine of separation of powers, the court has inherent and *primary regulatory power*." (*In re Attorney Discipline System, supra*, 19 Cal.4th at 593.) The State Bar functions as the administrative arm of the Supreme Court for the purpose of

assisting in attorney admissions and discipline, with the court retaining its inherent judicial authority to disbar or suspend attorneys. (*In re Attorney Discipline System, supra*, 19 Cal.4th at 599-600; see *Keller v. State Bar of California* (1990) 496 U.S. 1, 11.)

Attorneys who wish to practice law in California generally must be admitted and licensed by the State Bar. (Cal. Const., art. VI, Sec. 9.) The State Bar of California is a public corporation. Although originally a creature of statute, the State Bar is now “a constitutional entity within the judicial article of the California Constitution.” (*O'Brien, supra*, 23 Cal.4th at 48; see Cal. Const., art. VI, § 9; Bus. & Prof. Code, Sec. 6001.) The State Bar’s regulatory assistance is an integral part of the judicial function. (*O'Brien, supra*, 23 Cal.4th at 48.) Emphasizing the *sui generis* nature of the State Bar as its administrative arm, the Supreme Court has made clear that “express legislative recognition of reserved judicial power over admission and discipline is critical to the constitutionality of the State Bar Act.” (*In re Attorney Discipline System, supra*, 19 Cal.4th at 600, citing Bus. & Prof. Code Sec. 6087.)

At the same time, the Legislature’s exercise, under the police power, of a reasonable degree of regulation and control over the profession and practice of law in California, is well established. (*O'Brien, supra*, 23 Cal.4th at 48.) The Legislature exercises regulatory authority pursuant to the State Bar Act and has authority to set the amount of license fees necessary to fund the disciplinary system. The Legislature has enacted statutes making protection of the public the highest priority of the State Bar (Bus. & Prof. Code § 6001.1) and subjecting the CTC, the Executive Director, and the General Counsel of the State Bar to Senate confirmation (Bus. & Prof. Code §§ 6011; 6012; & 6079.5).

The State Bar of California is the largest state bar in the country. As of April 22, 2023, the total State Bar membership is 297,864, which includes 199,041 active licensees, 2,324 judge members, 19,848 licensees who are “Not Eligible to Practice Law,” and approximately 76,651 inactive members.² The State Bar’s programs are financed mostly by annual license fees paid by attorneys as well as other fees paid by applicants seeking to practice law. The State Bar is governed by a Board of Trustees (Board). Pursuant to SB 36 (Jackson, Ch. 422, Stats. 2017), the Board was required to transition to a 13 member Board comprised of Governor, Supreme Court, Assembly, and Senate appointees.

3. Background on the California bar exam

The bar exam is comprised of three components: five one-hour essay questions, one 90-minute performance test, and 200 multiple-choice questions. The State Bar used a new exam format and platform for the first time in decades for the February 2025 exam that

² *Attorney Status*, State Bar of Cal. (current as of June 18, 2025), available at <https://members.calbar.ca.gov/search/demographics.aspx>.

allowed for both in-person and remote test taking.³ The State Bar stated that the new exam platform and format “will enable the State Bar to utilize multiple-choice questions developed by Kaplan Exam Services, LLC (Kaplan) rather than purchase the MBE from the [National Conference of Bar Examiners] and to engage ProctorU, Inc. d/b/a/ Meazure Learning (Meazure Learning) to administer the examination remotely or at Meazure Learning’s test centers.”⁴ Prior to 2025, the bar exam was always administered in-person at various locations throughout the state by the State Bar with the exception of during the COVID-19 pandemic.

The State Bar’s rationale for moving to the new exam platform and format was predominantly a cost saving measure. The State Bar stated:

The agreement will help the State Bar transition to remote and test center-based exam administration, both of which test takers prefer. These test administration changes will also help the State Bar close a significant gap in its Admissions Fund, which is projected to reach insolvency in 2026, absent further efforts to reduce costs. The State Bar projects that the new arrangement will result in annual cost savings of up to \$3.8 million in exam-related expenses – enough to significantly reduce if not fill the gap.⁵

The State Bar told to the Supreme Court that these changes to the bar exam “will allow the State Bar to efficiently administer the bar examination while ensuring examination security and integrity and eliminating unnecessary barriers to accessing the examination”⁶ – tragically, none of these things came to fruition. The Supreme Court approved the State Bar’s request for modification to the bar exam on October 22, 2024 in an en banc order.⁷

³ Olivia Hebert, SF Gate, *California's new bar exam launch was a 'disaster.'* Now test takers are suing. (Feb. 28, 2025), available at <https://www.sfgate.com/california/article/california-bar-exam-march-retakes-20192958.php>.

⁴ *Renewed Request that the Supreme Court Approve Proposed Modifications to the California Bar Examination*, (Cal. Supreme Court (Oct. 2024) S287231) at p. 4, available at <https://www.calbar.ca.gov/portals/0/documents/admissions/examinations/Renewed-Request-to-Approve-Proposed-Modifications-to-the-CA-Bar-Examination.pdf>.

⁵ *State Bar, Kaplan, Sign Five-Year California Bar Exam Development Contract*, Cal. State Bar, (Aug. 13, 2024), available at <https://www.calbar.ca.gov/About-Us/News/News-Releases/state-bar-kaplan-sign-five-year-california-bar-exam-development-contract>.

⁶ *Renewed Request that the Supreme Court Approve Proposed Modifications to the California Bar Examination*, *supra* fn. 4 at p. 6.

⁷ *Order Approving Modifications to the California bar Examination* (Cal. Sup. Court, Admin. Order 2024-10-21-01, (Oct. 22, 2024) (en banc)).

4. The administration of the February 2025 bar exam – “stunning incompetence from an entity that exists to measure competence”

According to widespread reports outlined in news articles, a letter signed by California’s law school deans, and numerous phone calls and emails received by the Committee and author of this bill, the February administration of the State Bar Exam was an utter failure. Reports of difficulties included: inability to log in or access the test, unstable servers, issues with proctors, lost time, delayed prompts, factual errors in questions, and the inability to start or finish exam components. Of the 5,600 people registered for the exam, more than 964 withdrew before the day of the exam, after the bar offered unprecedented refunds in the face of technological problems that rose during pre-mock exams and issues with scheduling locations to take the exam. As noted by Dean Erwin Chemerinsky of the UC Berkeley School of Law this 2025 bar exam was “stunning incompetence from an entity that exists to measure competence.”⁸ In conversations with the State Bar and Committee staff, it was indicated that virtually every examinee experienced some issue on the bar exam.

The California Supreme Court released a statement following the bar exam debacle:

The court is deeply concerned by the troubling reports of technical failures, delays, and other irregularities in last week’s administration of the February 2025 California Bar Examination. The court regrets this situation and apologizes for the disappointment, stress, and frustration experienced by some applicants. At present, the complete scope and causes of the problems are still being determined. Last week, the court asked the State Bar, in conjunction with the vendor responsible for administering the exam, to provide an expedited, detailed report regarding the problems encountered by applicants. This information is crucial in informing how the court will provide appropriate remedies for affected applicants who deserved and expected better. In the interim, the court directs the State Bar to plan on administering the July 2025 California Bar Examination in the traditional in-person format.⁹

After the first day of the February Bar Exam, the State Bar released a statement to all examinees, stating that “[i]n advance of the exam, the State Bar took measures to ensure that a makeup opportunity would be available, if needed, for applicants who experienced significant technical issues. As such, we had already planned to offer a

⁸ Malcolm Maclachlan, Daily Journal, *California Bar exam failure sparks lawsuit, legislative inquiry*, (mar. 3, 2025), available at https://www.dailyjournal.com/articles/383949-california-bar-exam-failure-sparks-lawsuit-legislative-inquiry?utm_source=ActiveCampaign&utm_medium=email&utm_content=Legal%20battle%20over%20Point%20Reyes%20ranching%20deal%20escalates&utm_campaign=Legal%20News%203%2F3&vgo_ee=cUekTHCZPyLa0dLz%2FgoXbTrxWqEMTgXT%2BgyPjC3Mn6xwO1644QLwGw%3D%3D%3ATT7IZ.wFcfYgN%2B46NDnKPDsLFczdr1him.

⁹ *California Supreme Court Issues Statement on February Bar Exam*, Cal. Sup. Court, (Mar. 4, 2025), available at <https://newsroom.courts.ca.gov/news/california-supreme-court-issues-statement-february-bar-exam>.

makeup opportunity[...]"¹⁰ However, the State Bar criteria for a makeup exam was so limited that only about 91 examinees were eligible for the makeup exam. Two class action lawsuits have been filed against Meazure Learning in the wake of this fiasco.¹¹

The State Bar approved a proposal to allow test takers who withdraw from the February 2025 exam or fail the exam to take a bar exam within the next year for free.¹² The Board approved \$3.1 million in the budget to support these fee waivers.¹³

Additionally, the State Bar:

- offered reimbursement of nonreimbursable travel expenses for out-of-state, in-person test takers who moved to more local sites in the Central and Eastern time zones;
- extended similar reimbursement offers to those who have had their location changed after registering, or those who changed sites because of the late opening of new locations;
- offered stipends for applicants with testing accommodations (TA) who were moved at the last minute to the State Bar's Los Angeles office or to other TA testing locations; and
- offered full refunds to applicants affected by the Los Angeles wildfires if they chose to withdraw, and on February 13, extended the offer of full refunds to any applicant who decided to withdraw before the exam.¹⁴

The Board has initiated an independent investigation of the 2025 bar exam. The cost of the February 2025 exam fiasco could cost the State Bar an additional \$5.6 million.¹⁵

5. Uniform Bar Exam (UBE)

The Uniform Bar Exam (UBE) is coordinated and created by the National Conference of Bar Examiners (NCBE). It is composed of a multistate essay examination, a multistate performance test, and the multistate bar examination (MBE). Forty states and the

¹⁰ Olivia Hebert, DF Gate, *California's new bar exam launch was a 'disaster.'* Now test takers are suing. (Feb. 28, 2025), available at <https://www.sfgate.com/california/article/california-bar-exam-march-retakes-20192958.php>.

¹¹ *Ibid.*

¹² *Board Offers Free July Bar Exam to Applicants Who Withdraw or Fail February Bar Exam*, Cal. State Bar, (Feb. 21, 2025), available at <https://www.calbar.ca.gov/About-Us/News/News-Releases/board-offers-free-july-bar-exam-to-applicants-who-withdraw-or-fail-february-bar-exam>.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Jenny Jarvie, *After AI bar exam fiasco, State Bar of California faces deeper financial crisis*, (update May 8, 2025), available at <https://www.latimes.com/california/story/2025-05-07/after-botched-exams-california-state-bar-faces-deeper-financial-crisis#:~:text=The%20State%20Bar%20of%20California's,it%20an%20additional%20245.6%20million.>

District of Columbia have adopted the UBE, as well as the U.S. Virgin Islands.¹⁶ According to the NCBE, “the UBE is designed to test knowledge and skills that every lawyer should be able to demonstrate prior to becoming licensed to practice law,” is “uniformly administered, graded, and scored,” and “results in a portable score that can be used to apply for admission in other UBE jurisdictions.”¹⁷ A candidate must sit for all portions of the UBE in the same UBE jurisdiction and in the same administration in order to earn a portable UBE score.¹⁸

The administering jurisdiction retains control over all of the following:

- who may sit for the bar exam and who will be admitted to practice;
- underlying educational requirements to sit for the exam;
- all character and fitness decisions;
- policies regarding the number of times applicants may retake the bar examination;
- any ADA decisions;
- grading of the essay and performance test portion of the exam;
- assessment of candidate knowledge of jurisdiction-specific content through a separate test, course, or some combination of the two if the jurisdiction chooses;
- acceptance of MBE scores earned in a previous examination or concurrently in another jurisdiction for purposes of making local admission decisions if they wish; and
- determinations regarding how long incoming UBE scores will be accepted.

The NCBE is in the process of launching the NextGen bar exam, which would replace the UBE through a phase out process with the last administration of the UBE occurring in February 2028.¹⁹ According to the NCBE, the NextGen bar exam is “guided by the results of a comprehensive, empirical three-year study and consistent with testing industry professional standards.”²⁰

6. This bill requires the Committee of Bar Examiners to complete a report on the UBE

In light of the utter fiasco that was the 2025 February Bar Exam, this bill requires the Committee of Bar Examiners to provide a report to the Board, the Chief Justice of the Supreme Court, and to the Assembly and Senate Committees on Judiciary on whether adopting a uniform bar examination, including, but not limited to, the National Conference of Bar Examiners' Uniform Bar Examination, would be more efficient to

¹⁶ UBE, NCBE, available at <https://www.ncbex.org/exams/ube/about-ube>.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Implementation Timeline, NextGen UBE*, available at <https://www.ncbex.org/exams/nextgen-july-2026/about/implementation-timeline>.

²⁰ *Ibid.*

administer and lower the cost of administration for the State Bar and examinees. The bill would require the report to be submitted no later than November 30, 2026.

7. Amendment

As noted above, the NCBE is in the process of launching the NextGen bar exam, which would replace the UBE through a phase out process. In light of this, the author has agreed to amend the bill to include any future iteration or replacement of the UBE. The specific amendment is as follows:²¹

Section 6046.2 as added to the Business and Professions Code is amended to read:

6046.2. (a) On or before November 30, 2026, the Committee of Bar Examiners shall provide a report to the board of trustees, the Chief Justice of the *California* Supreme Court, and to the Assembly and Senate Committees on Judiciary pursuant to Section 9795 of the Government Code on whether adopting a uniform bar examination, including, but not limited to, the National Conference of Bar Examiners' Uniform Bar Examination *or any successor or replacement exam*, would be more efficient to administer and lower the cost of administration for the State Bar and examinees.

(b) This section is repealed on January 1, 2030, pursuant to Section 10231.5 of the Government Code.

SUPPORT

None received

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

SB 47 (Umberg, 2025) requires the California State Auditor to conduct an audit of the February 2025 bar exam to evaluate its administration and how the problems with the exam occurred, as specified. SB 47 is currently pending on the Assembly floor.

SB 253 (Umberg, 2025) requires, among other things, the Board to fix the annual license fee for active licensees for 2026. SB 253 is currently pending on the Assembly floor.

²¹ The amendments may also include technical, nonsubstantive changes recommended by the Office of Legislative Counsel.

Prior Legislation:

AB 3279 (Committee on Judiciary, Ch. 227, Stats. 2024) among other things increased active licensee fees by \$88.

SB 40 (Umberg, Ch. 697, Stats. 2023) authorized the State Bar to collect annual licensing fees in the same amount as 2022 and made other changes, including strengthen conflict of interest statutes and requiring Senate confirmation of the executive director and general counsel of the State Bar.

AB 2958 (Committee on Judiciary, Ch. 419, Stats. 2022) authorized the State Bar to collect annual licensing fees of \$395 for active licensees and \$97.40 for inactive licensees and enacted other reforms.

SB 211 (Umberg, 2021, Ch. 723, Stats. 2021) authorized the State Bar to collect annual licensing fees of \$395 for active licensees and \$97.40 for inactive licensees and enacted other reforms. The bill required the Auditor's Office to conduct an independent audit to determine if the discipline process adequately protects the public from misconduct by licensed attorneys or those who wrongfully hold themselves out as licensed attorneys.

AB 3362 (Committee on Judiciary, Ch. 360, Stats. 2020) authorized the State Bar to collect annual licensing fees of \$395 for active licensees and \$97.40 for inactive licensees and enacted other reforms.

SB 176 (Jackson, Ch. 698, Stats. 2019) authorized the State Bar to collect annual licensing fees of \$438 for 2020 and enacted other reforms.

AB 3249 (Committee on Judiciary, Ch. 659, Stats. 2018) authorized the State Bar to collect annual licensing fees of \$390 for 2019 and enacted other reforms, including a strengthening of the attorney discipline system.

SB 36 (Jackson, 2017, Ch. 422, Stats. 2017) authorized the State Bar to collect active membership dues of up to \$390 for the year 2018; reformed the State Bar Act by separating the sections from the State Bar and creating what is now the California Lawyers Association; changed the composition of the State Bar Board; and enacted various reforms to remove politics from the Board.

PRIOR VOTES

Assembly Floor (Ayes 73, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)
