

Date of Hearing: March 10, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 1651 (Dixon) – As Introduced January 28, 2026

PROPOSED CONSENT

**SUBJECT:** STATE BAR OF CALIFORNIA: ARTIFICIAL INTELLIGENCE

**KEY ISSUE:** SHOULD THE STATE BAR OF CALIFORNIA BE REQUIRED TO DISCLOSE THE USE OF ARTIFICIAL INTELLIGENCE IN THE DEVELOPMENT OF EXAM QUESTIONS AND PREPARATION MATERIALS RELATED TO THE STATE BAR EXAMINATION?

**SYNOPSIS**

*At this point, the Committee is well aware of the calamitous administration of the February 2025 bar exam. While legislation adopted in 2025 tasked the State Auditor with broadly examining the root causes of the exam's failure, this bill addresses one already acknowledged aspect of the 2025 exam that generated significant controversy. During a series of disclosures made in the wake of the exam, the State Bar disclosed that nearly 25 exam questions were developed using artificial intelligence. Not only did the bar exam deploy questions drafted by a computer, but inquiries have also been raised regarding the adequacy of the State Bar's human review of the questions before they were included in the multiple choice portion of the exam.*

*This relatively modest measure simply requires the State Bar of California to disclose if artificial intelligence was utilized to develop any exam questions or exam preparation materials distributed by the State Bar. Recognizing that the capabilities of artificial intelligence are rapidly evolving, the bill does not ban the use of artificial intelligence and allows the State Bar the discretion to continue to use the tool in exam development.*

*This bill is supported by California Civil Liberties Advocacy who note that test takers deserve to know what technologies were utilized in developing high stakes licensing exams. This bill has no known opposition. Should this measure be approved by this Committee, it will subsequently be evaluated by the Committee on Privacy and Consumer Protection.*

**SUMMARY:** Requires the State Bar of California to disclose the use of artificial intelligence in the development of the California bar examination. Specifically, **this bill:**

- 1) Requires the State Bar to disclose the use of artificial intelligence-generated content in developing or administering the State Bar examinations, including any related question, performance test, answer key, or scoring rubric.
- 2) Requires the State Bar to disclose the use of any artificial intelligence-generated content in study material, including sample or practice questions, model answers, selected answers, outlines, explanations, or other instructional materials prepared, published, endorsed, or distributed by the State Bar for use by applicants for the State Bar examinations.

- 3) Provides that the disclosure requirements of 1) and 2) apply whether or not the artificial intelligence-generated content was reviewed by a natural person.
- 4) Defines the following terms:
  - a) “Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments;
  - b) “Artificial intelligence-generated content” means visual or textual content that is generated, in whole or in part, by artificial intelligence; and
  - c) “State Bar examinations” means the general bar examination, the first-year law students’ examination, and the attorneys’ examination, as specified.
- 5) Delays the implementation of the bill until January 1, 2028.

**EXISTING LAW:**

- 1) Establishes the State Bar Act and provides for the licensure and regulations of attorneys practicing in California. (Business and Professions Code Section 6000 *et seq.*)
- 2) Requires that in order to be certified to the Supreme Court for admission and a license to practice law, a person who has not been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency or in a foreign country must:
  - a) Be at least 18 years of age;
  - b) Have sufficiently demonstrated to the staff of the State Bar or members of the examining committee good moral character;
  - c) Have completed at least two years of college course work prior to studying law;
  - d) Have registered with the State Bar within 90 days of beginning the study of law;
  - e) Have either obtained a juris doctorate or completed a four-year course of study and apprenticeship program;
  - f) Have passed any examination in professional responsibility or legal ethics as the examining committee may prescribe;
  - g) Have passed the law student examination, if necessary; and
  - h) Have passed the general bar examination given by the examining committee. (Business and Professions Code Section 6060.)
- 3) Requires that in order to be certified to the Supreme Court for admission, and a license to practice law, a person who has been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency the United States may acquire hereafter must:

- a) Be of the age of at least 18 years;
  - b) Be of good moral character;
  - c) Have passed the general bar examination given by the examining committee, unless that person has been an active licensee in good standing of the bar of the admitting sister state or United States jurisdiction, possession, or territory for at least four years immediately preceding the first day of the examination applied for, they may elect to take the Attorneys' Examination rather than the general bar examination, as specified;
  - d) Have passed an examination in professional responsibility or legal ethics as the examining committee may prescribe. (Business and Professions Code Section 6062 (a).)
- 4) Defines "artificial intelligence" as an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (Civil Code Section 1714.46 (a).)

**FISCAL EFFECT:** As currently in print this bill is keyed non-fiscal.

**COMMENTS:** In August of 2024, trying to reduce costs and improve examinee experiences, the State Bar of California announced major reforms to the biannual general bar examination. The new exam would be developed by Kaplan Exam Services, administered by a testing company called Meazure Learning, and designed to permit students to take the exam remotely or at local testing centers in lieu of the mass testing facilities historically utilized to administer the California bar exam.

The first administration of the new exam, in February 2025, was an unmitigated disaster. The exam was plagued with technical problems, communication errors between the State Bar and examinees, and a less-than-transparent response to the debacle by State Bar leadership. One aspect of the exam creation process in which transparency was severely lacking involved the post-examination revelation that artificial intelligence, with a questionable degree of human oversight, was utilized in the development of some of the multiple-choice questions used in the exam. While the outcry against the use of artificial intelligence in the creation of exam questions was largely a byproduct of the examinees' broader rage toward the State Bar about the entire examination process, given the questions regarding the degree of human oversight in the creation of the exam questions, additional transparency appears warranted.

In support of this transparency measure, the author states:

The purpose of this bill is simple: to create a requirement that the California State Bar identifies any content that was generated by AI when preparing or administering the Bar Examination. This bill does not ban the usage of AI, it merely institutes more oversight and accountability regarding its usage in the Bar Examination. This bill achieves this by requiring disclosure from the state bar.

***Seeking to respond to examinee feedback the State Bar tried, and failed, to make significant reforms to the bar examination.*** During the COVID pandemic, the bar exam temporarily moved online, sparing examinees the somewhat traumatic experience of sitting for a critical licensing examination in a room filled with hundreds, if not thousands, of other anxious exam takers. As a

result of the online experience, the State Bar received feedback from examinees that they preferred taking the exam in a remote setting. (Cal Bar Office of Communications, *State Bar, Kaplan, Sign Five-Year California Bar Exam Development Contract*, State Bar of California (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>.) At the same time the State Bar was inclined to move away from the traditional exam model, the National Conference of Bar Examiners sought to force all exams back to in-person settings and announced the elimination of the multistate bar exam multiple choice questions as a stand-alone exam product. California would be impacted by that decision because it had always developed its own essay questions while relying on the multistate bar exam to generate multiple-choice questions. In the face of mandated in-person testing and the forthcoming inability to utilize California-specific essays in conjunction with the national multiple-choice exam, the State Bar opted to generate its own exam. (*Ibid.*)

Seeking assistance in developing the exam, the State Bar turned to Kaplan Exam Services LLC. Given that Kaplan is practically synonymous with exam preparation courses for higher education admission examinations, this appeared to be a wise choice. While the Legislature is still awaiting the result of the audit into the February 2025 exam catastrophe, mandated by last year's SB 47 (Umberg) Chap. 209, Stats. 2025, some reporting suggested that one of the exam's many issues stemmed from Kaplan's struggles to generate enough exam questions to meet the State Bar's needs. Kaplan's inability to generate a sufficient quantity of valid questions for the February exam apparently resulted in the State Bar's contract psychometrician, ACS Ventures, to develop 23 questions using artificial intelligence. (Jenny Jarvie, *State Bar of California admits it used AI to develop exam questions, triggering new furor*, Los Angeles Times (Apr. 23, 2025) available at: <https://www.latimes.com/california/story/2025-04-23/state-bar-of-california-used-ai-for-exam-questions>.) Given the earlier stumbles by the State Bar in handling the fallout from the February 2025 exam administration, the fact that artificial intelligence was utilized to create approximately ten percent of the February 2025 exam's multiple-choice questions only added to the outrage expressed by the examinees.

***The use of artificial intelligence in creating a licensing exam is not inherently inappropriate, however, artificial intelligence must be utilized in a responsible manner.*** The basic use of artificial intelligence in creating exam questions is not inherently wrong. Much like other aspects of life, the use of a properly trained artificial intelligence model may generate efficiencies and aid in the production of strong exam questions. However, as it relates to the February 2025 bar exam, the use of artificial intelligence appears problematic. As noted, the questions were developed by ACS Ventures, the statistical firm retained by the State Bar to ensure the validity of testing models. It does not appear that the company employs attorneys with the requisite knowledge of the intricacies of California law necessary for the development of questions for a professional licensing exam. Furthermore, and again the SB 47 audit should further illuminate the issue, questions were raised about the adequacy of human review of the questions generated by artificial intelligence.

***While not prohibiting the use of artificial intelligence in the creation of the bar exam, the bill ensures that examinees are aware of the presence of content generated using artificial intelligence.*** Recognizing that the use of artificial intelligence may generate efficiencies in the examination development process, this bill does not ban the technology's use by the State Bar. However, this bill requires the bar to disclose to test takers whether or not artificial intelligence was utilized in developing a given bar examination. The bill also appears to avoid any question-

specific disclosures, thus reducing any risk that disclosing the use of artificial intelligence in the creation of the exam may inadvertently undermine the validity of a given exam question. Finally, recognizing many aspiring attorneys' insatiable appetite for bar exam preparation materials this bill permits the usage of artificial intelligence in the development of study materials, including sample or practice questions, model answers, selected answers, outlines, explanations, or other instructional materials prepared, published, endorsed, or distributed by the State Bar, so long as the use of artificial intelligence is disclosed to would-be test takers.

***Defining artificial intelligence.*** A brief search of the California codes highlights at least one dozen areas of code that define artificial intelligence. A cursory review of the definition provided in this bill appears to align with the majority of the definitions in existing law. The bill provides that artificial intelligence is an, "engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments." Should this Committee pass this measure it will be referred to the Committee on Privacy and Consumer Protection which maintains primary jurisdiction over issues related to artificial intelligence. Any refining of the above definition, if necessary, to reflect the use of artificial intelligence by exam developers will be managed by that Committee.

***ARGUMENTS IN SUPPORT:*** This bill is supported by California Civil Liberties Advocacy. In support of the measure, they write:

The practice of law implicates fundamental liberty and property interests. Admission to the Bar is not merely an academic milestone—it is the gateway to professional livelihood, economic mobility, and meaningful participation in our justice system. When high-stakes licensure examinations incorporate artificial intelligence tools, transparency becomes essential to preserving public confidence and protecting applicants' due process rights.

AB 1651 does not prohibit the State Bar from utilizing modern technological tools. Instead, it establishes a straightforward and reasonable disclosure requirement. This balanced approach promotes institutional accountability while preserving flexibility for innovation. By requiring disclosure regardless of whether AI-generated content is later reviewed by a human, the bill ensures meaningful transparency rather than symbolic compliance.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Civil Liberties Advocacy

### **Opposition**

None on file.

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