

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2109 (Dixon) – As Amended March 17, 2026

PROPOSED CONSENT

SUBJECT: CALIFORNIA BAR EXAMINATION

KEY ISSUE: SHOULD THE STATE BAR OF CALIFORNIA FOREGO ITS TROUBLED, AND YET ONGOING, EFFORTS TO DEVELOP ITS OWN BAR EXAMINATION AND INSTEAD FULLY UTILIZE THE UNIFORM BAR EXAM COMMENCING IN 2029?

SYNOPSIS

This bill represents the latest in a series of measures to come before this Committee in the last year seeking to address the fallout from the disastrous administration of the February 2025 bar exam, which was the State Bar's first attempt to deploy a fully California-specific bar examination. At this juncture, the Committee is likely well aware of the many aspects of the debacle, including the technological issues, use of artificial intelligence to develop test questions with inadequate human oversight, and the poorly managed customer service experience for test takers. Rather than adopt a piecemeal series of reforms aiming to prevent another disastrous administration of the exam, this author-sponsored measure aims to streamline the administration of the bar exam by simply requiring the State Bar to utilize the Uniform Bar Exam developed by the National Conference of Bar Examiners and utilized by over 40 jurisdictions nationwide. The measure has no registered support or known opposition.

SUMMARY: Requires the State Bar of California to utilize the uniform bar exam commencing in 2029. Specifically, **this bill:**

- 1) Requires, commencing January 1, 2029, the Committee of Bar Examiners within the State Bar of California, to replace the California bar examination with the Uniform Bar Examination created by the National Conference of Bar Examiners, or any successor to that exam.

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) Provides that the California Supreme Court maintains the inherent power to admit persons to practice law in California, and that the State Bar serves as the administrative arm of the Supreme Court for admissions matters and in that capacity acts under the authority and at the direction of the Supreme Court. (California Rules of Court, Rule 9.3 (a).)

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

COMMENTS: For decades, the California Bar Exam was a hybrid of essay questions developed by the State Bar to focus on California law, and the standardized national multiple-choice questions developed by the National Conference of Bar Examiners. Following feedback from test takers in the wake of the pandemic, the State Bar of California determined that many examinees preferred to take the exam remotely. However, the National Conference of Bar Examiners generally does not permit the exam to be administered remotely. In light of the National Conference of Bar Examiners decision, 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. In February 2025, the State Bar deployed its own self-created essay and multiple-choice exam that could be administered remotely. As this Committee is well aware, the February 2025 was a resounding failure.

Seeking to ensure that a 2025-style debacle never occurs again, and recognizing that a major barrier to licensing reciprocity is California's insistence on using its own bar exam essays, this bill would mandate that the State Bar of California use the Uniform Bar Examination created by the National Conference of Bar Examiners beginning in 2029. In support of this bill the author states:

The disastrous rollout of the February 2025 Bar Examination is merely a symptom of greater problem with the State Bar of California. Test takers were plagued by errors, crashes, connection issues, poorly written AI questions and the inability to save essays. While California's refusal to adopt the Multistate Bar Examination (MBE) in 2024 was done in an effort to cut costs, it is clear that the state is unable to develop a viable alternative that maintains the high standards expected of the Bar Examination.

It is time for California to join 41 other states in adopting the National Conference of Bar Examiners' Next Gen Bar exam. This proven alternative is trusted by almost the entirety of the United States, and will provide our law students with a stable, accurate, and accessible Bar Examination experience.

The State Bar of California opted to forgo the use of the Uniform Bar Exam and create its own test – it did not go well. In the early 2020s, the National Conference of Bar Examiners began developing a new version of the bar exam that would move away from hypothetical-driven essays and toward testing a range of practical lawyering skills in addition to black letter law. ([https://www.ncbex.org/exams/nextgen.](https://www.ncbex.org/exams/nextgen)) Unlike the old version of the Uniform Bar Exam, in which states could pick and choose whether to use the uniform essays or develop their own, the NextGen text required states to utilize the entire exam or cease utilizing the Uniform Bar Exam in its entirety. Given that California previously utilized the National Conference of Bar Examiners' multiple-choice questions while developing state-specific essay questions, the emergence of the NextGen exam forced the State Bar of California to either give up state-specific essays or develop its own exam.

The emergence of the NextGen exam coincided with the State Bar's own internal efforts to reevaluate the manner in which the bar exam was administered. 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.](https://www.calbar.ca.gov/About-Us/News/News-Releases/state-bar-kaplan-sign-five-year-california-bar-exam-development-contract)) This examinee preference conflicted with the National Conference of Bar Examiners' mandate that the NextGen exam be administered in-person. 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 issues were compounded by the State Bar’s decision to utilize a testing company called Meazure Learning to oversee the administration of the remote exam. When the day came to administer the exam, test takers complained of constant software crashes, an inability to connect to the online testing platform or to save essays, screen lags, consistent error messages, and poor technical support. Thanks to discovery in the litigation surrounding the 2025 exam, it is now clear from Meazure Learning’s own internal documents that the company *knew* it did not have the capability to administer the exam and yet assured the State Bar that the exam could be properly administered. (Press Office, *Meazure Learning Documents Prompt State Bar to Amend Lawsuit Against February 2025 Bar Exam Administration Vendor*, State Bar of California (Mar. 11, 2026), available at: <https://www.calbar.ca.gov/news/meazure-learning-documents-prompt-state-bar-amend-lawsuit-against-february-2025-bar-exam-administration-vendor>.)

Despite the myriad of missteps and failures committed by the State Bar and its contractors in creating and administering the February 2025 exam, the State Bar has yet to embrace the NextGen Uniform Bar Exam. Indeed, actions taken by the California Supreme Court appear to authorize the State Bar to take more control over the development of a California-specific bar exam. (See, Proposed Amendments to Title Nine of the Rules of Court Involving State Bar Matters, S290966 (May. 28, 2025) available at:

<https://newsroom.courts.ca.gov/sites/default/files/newsroom/2025-05/S290966%20-%20PROPOSED%20AMENDMENTS%20TO%20TITLE%20NINE%20OF%20THE%20RULES%20OF%20COURT%20INVOLVING%20STATE%20BAR%20MATTERS.5.28.25.pdf>.)

Six months after the Supreme Court gave the State Bar the additional discretion, it appears that efforts to develop a California-specific exam remain ongoing. Indeed, in January 2026, attorneys throughout the state were sent a “survey” seeking input on the future of the bar exam that appeared skewed toward California retaining control of developing some portion of a state-specific exam. (Cheryl Miller, *California State Bar Surveys Attorneys—and Its Own Leaders—About Future Bar Exams*, Law.com (Jan. 12, 2026) available at:

<https://www.law.com/therecorder/2026/01/12/california-state-bar-surveys-attorneysand-its-own-leadersabout-future-bar-exams/?slreturn=20260313135624>.)

This bill would mandate the State Bar forego creating its own exam and utilize the NextGen Uniform Bar Exam. In light of the failures of the February 2025 bar exam, this bill would require the State Bar to abandon its efforts to create a California-specific bar examination and utilize the NextGen Uniform Bar Examination beginning in 2029. This timeline would not interfere with the public notice requirements for changes to the bar examination that the Legislature adopted in last year’s SB 253 (Umberg) Chap. 405, Stats. 2025, which was enacted to address some of the fallout from the February 2025 exam.

Remote testing and disability access. One of the factors driving the State Bar to adopt a remote testing option is the State Bar’s ongoing struggle to provide adequate accommodations for test takers with disabilities. For example, in 2023, several UC Berkeley law students filed a complaint with the federal Department of Justice over the State Bar’s denial of testing accommodations. (Madison Creekbaum, *‘Equal and equitable access’: Law students file civil rights complaint against CA State Bar for lack of disability accommodations*, Daily Californian (May 24, 2023) available at: https://www.dailycal.org/news/equal-and-equitable-access-law-students-file-civil-rights-complaint-against-ca-state-bar-for/article_7f687177-85a6-5395-ac83-5a26b64d4f3c.html.) Similarly, a series of lawsuits have been filed against the State Bar alleging violations of the Americans with Disabilities Act with regards to the State Bar’s review and

denial of testing accommodation requests. (see, e.g., *Kohn v. State Bar of California* (2023) 87 F.4th 1021.) While this Committee has largely focused on reforming the State Bar's disciplinary system and managing the agency's finances in recent years, the simmering discontent of some test takers regarding accessibility issues did prompt the Committee to force the State Bar to provide annual reports regarding access complaints starting this July. (AB 3279 (Committee on Judiciary) Chap. 227, Stats. 2024.)

While use of remote technology provides some clear benefits for enhancing the ability to grant testing accommodations, the February 2025 exam clearly highlights that remote testing is not a panacea of solutions to the State Bar's testing accommodation issues. Some of the loudest complaints about the failed February 2025 exam came from those who had requested testing accommodations. Not only did the technical problems dramatically undermine those test takers who were provided additional time to take the exam, some of Meazure Learning's proctors failed to adhere to previously approved accommodation requests. (Maia Spoto, *California Bar Exam Violated Disability Rights, Applicants Say*, Bloomberg Law (May 29, 2025) available at: <https://news.bloomberglaw.com/litigation/california-bar-exam-violated-disability-rights-applicants-say>.) While the February 2025 experience is far from determinative regarding the ability of a remotely administered bar exam to improve the State Bar's handling of accessibility requests, that exam certainly underscores that remote administration is not the remedy that the State Bar hoped it would be when approving the creation of the California-specific exam.

Utilizing the NextGen Uniform Bar Exam may bolster efforts to provide licensing reciprocity to California attorneys. California is one of the few jurisdictions that provides no opportunity for attorneys admitted in sister states to seek reciprocity. Similarly, and as a result of California's refusal to offer licensing reciprocity, it is extremely difficult for California attorneys to obtain licensure out-of-state without taking another bar examination. One of the reasons that California does not have licensing reciprocity with other jurisdictions stems from California's insistence on utilizing its own exam questions.

Seeking to address the shortage of attorneys representing underserved communities, in recent years, this Committee has been trying to push the State Bar to adopt a more open position toward reciprocity with other jurisdictions. (see, e.g. AB 1522 (Committee on Judiciary, 2025).) Should this bill mandate the State Bar to utilize the NextGen Uniform Bar Examination, the nature of the licensing exam will no longer be a barrier to reciprocity as California licensees will have taken the same exam as attorneys in nearly 45 other states. One would assume that an attorney who passed the Uniform Bar Exam in New York would have passed the same test administered in California and thus should be eligible to seek licensure in this jurisdiction without having to retake the bar exam.

The Legislature may not possess the legal authority to mandate the form of the bar examination. Much like the federal government, California's constitution envisions a separation of powers between the three branches of government. However, unlike the strict separation in federal law, California courts have noted that some degree of overlap existed between the branches of government in California. The California Supreme Court has held, "the Legislature does not necessarily violate the separation of powers doctrine even by legislating with regard to 'inherent judicial power[s] or function[s].' [Citation.] The California Supreme Court has 'regularly approved legislation affecting matters over which the judiciary has inherent power and control.'" (*Case v. Lazben Financial Co.* (2002) 99 Cal.App.4th 172, 184.) "As long as such [legislative] enactments do not 'defeat' or 'materially impair' the constitutional functions of

the courts, a 'reasonable' degree of regulation is allowed." (*People v. Bunn* (2002) 27 Cal.4th 1, 16.)

For over one hundred years, one power the judicial branch has largely retained to itself is discretion to determine who is qualified to be admitted to the practice of law. In the 1920s the California Supreme Court held, "Admission to practice [law] is almost without exception conceded everywhere to be the exercise of a judicial function, and...been held to be the exercise of one of the inherent powers of the court." (*Brydonjack v. State Bar of California* (1929) 208 Cal. 439, 443.) However, when examining the extensive case law regarding admission to practice law in California, courts regularly defer to the text of the legislatively enacted State Bar Act. (See, *Stillwell v. State Bar of California* (1946) 29 Cal. 2d 119.) In accordance with this precedent, despite the frequent protestations of this Committee, it was the Supreme Court and not the Legislature that ultimately lowered the passing score on the bar exam during the pandemic. Nonetheless, it is statute and not the Supreme Court that requires a would-be attorney to sit for the bar exam. (Business and Professions Code Section 6060.)

When examining the case law as it pertains to this bill, there is some ambiguity. While admissions is inherently a power of the courts, hence setting the minimum passing score, the Legislature may be able to proscribe the manner of examination as a part of its power to regulate the profession of practicing law. A statute prescribing the specific provider of the bar exam would almost certainly present a case of first impression to the court. Nonetheless, should this bill advance, *the author is encouraged to work with the State Bar to craft a solution that moves the State Bar away from creating its own exam while simultaneously respecting the inherent powers of the judicial branch.*

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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