

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 484 Author:(Dixon)

As Amended Ver:July 3, 2025

Majority vote

SUMMARY

Requires the Committee of Bar Examiners State Bar of California to provide a report to the Supreme Court and Legislature regarding whether adopting a uniform bar examination would be more efficient to administer and lower the cost of administration for the State Bar and examinees.

Major Provisions

- 1) Requires the Committee of Bar Examiners of the State Bar of California, on or before November 30, 2026, to 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 whether adopting a uniform bar examination would be more efficient to administer and lower the cost of administration for the State Bar and examinees
- 2) Repeals the bill on January 1, 2030.

Senate Amendments

- 1) Revise and recast the study provisions of the bill from a cost-benefit analysis to a report to the Supreme Court and Legislature regarding the efficiency of uniform bar examinations.
- 2) Adopt a sunset clause.

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. Recognizing that some of the issues that plagued the 2025 exam could be repeated if the State Bar continued administering the bar exam remotely, this bill requires the State Auditor to examine what occurred during the February exam and report to the Legislature how various contracts were awarded and what senior State Bar officials did in the lead up to the exam.

Immediately after the State Bar adopted the new exam, and announced a proposed November 2024 "trial" of the exam system, members of the legal community began raising alarms about the speed of the deployment of the new exam. In September 2024, the deans of California's most prominent law schools wrote to the State Bar, expressing their concerns. The deans argued, "Rushing implementation of something so important to individuals' lives and to the practice of

law in the state of California is a mistake." (Julianne Hill, *California law deans have 'grave concerns' about new bar exam plans*, ABA Journal (Sept. 20, 2024) available at: <https://www.abajournal.com/web/article/california-deans-declare-grave-concerns-about-new-bar-exam-plans>.) After a second test run of the exam software in January, examinees' concerns about the new remote exam system began to spill into the public view via a popular Reddit page utilized by would-be examinees. (<https://www.reddit.com/r/CABarExam/>.) The concerns spanned a range of issues: from examinees being unable to connect to the test system, experiencing system time lags, and receiving various error messages, to the general non-responsiveness of the State Bar's contractor's technical support staff. (Ibid.) By mid-February, it appeared that the State Bar had recognized the impending risk of a disastrous exam administration and preemptively offered a full refund to all February 2025 examinees who rescheduled their exam for July 2025. (Joe Patrice, *California Bar Exam Disaster Reaches Its 'Offer Everyone A Refund' Stage*, Above the Law (Feb. 18, 2025) available at: <https://abovethelaw.com/2025/02/california-bar-exam-disaster-reaches-its-offer-everyone-a-refund-stage/>.)

Unfortunately, many of the worst-case scenarios envisioned by the examinees came to fruition during the administration of the February exam. Examinees described delays of up to one hour to commence the online exam; frequent disconnections from the exam system; significant system lags for those who did connect; and the exam system preemptively saving and submitting incomplete answers prior to examinees completing portions of the exam. (Jennie Jarvie, 'Utterly Botched': Glitchy rollout of new California bar exam prompts lawsuit and legislative review, Los Angeles Times (February 28, 2025) available at: <https://www.latimes.com/california/story/2025-02-28/utterly-botched-chaotic-roll-out-of-new-california-bar-exam>.) As a result of the obvious technological issues that doomed the exam, nearly 90 students were offered the ability to retake the test. (<https://calbar.primegov.com/Portal/Meeting?meetingTemplateId=1054>.) Additionally, hundreds of test takers are now regular participants during public comment at State Bar Board of Trustees meetings, where they seek to vent their frustration at the State Bar and seek equitable remedies for the February exam debacle. Although the exact cause of the February 2025 exam debacle will be better illuminated after the State Bar and the Legislature audit the exam, some evidence suggests that many of the problems that plagued the test could have been avoided if the State Bar had not deployed an entirely new exam in a relatively short six-month period.

Seeking to ensure that a February 2025 exam-level catastrophe never happens again, this bill requires the State Bar to determine if utilizing uniform bar examination will result in greater efficiencies than continuing to deploy a California-specific examination. This bill recognizes that the California Constitution provides for an explicit separation of powers between the three branches of government. Indeed, Article III, section 3, of the California Constitution provides, "The powers of State government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution." California courts have declined to adopt strict demarcations between the three branches of government, and as it relates to the interplay between the courts and the Legislature, the Supreme Court has generally upheld Legislative mandates to the court so long as those mandates do not "defeat" or "materially impair" the core constitutional functions of the courts. (*People v. Bunn* (2002) 27 Cal.4th 1, 16.) For nearly 100 years, California's Supreme Court has held that licensing attorneys, who are legally officers of the court, is an inherent power of the Supreme Court. (*In re Lavine* (1935) 2 Cal. 2d 326.) This power is codified in Rule 9.3 of the California Rules of Court and such an interpretation of the law was upheld by the Ninth Circuit as recently as 2024. (*Pell v. Nunez* (9th Cir. 2024) 99 F.4th 1128.)

This measure prudently recognizes and respects the Supreme Court’s role in admissions. It should be noted that this bill does not dictate the format of the general bar examination to the judicial branch, but rather requires the Committee of Bar Examiners within the State Bar (a “Judicial Branch Agency”) to conduct a study weighing the merits utilizing uniform bar examinations. While this bill seeks to ensure that the Supreme Court and the State Bar are fully considering all ramifications of a change to the general bar exam, a power that appears to be well within the Legislature’s ability to oversee as a co-equal branch of government, the bill does not dictate outcomes in an area of the law that represents an inherent power of the court. Following the issues that plagued the February 2025, one can argue that it is reasonable and prudent for the Legislature to direct the judicial branch to better study and consider decisions related to the bar examination to ensure that the everyday Californians who take the test can be assured that the exam is fair and can be competently administered.

According to the Author

AB 484 will address the recent shortcomings and critical failures within the California State Bar exam by establishing necessary safeguards and mechanisms to ensure students are able to complete the California State Bar examination without unnecessary and entirely avoidable flaws. This measure will require the California State Bar to conduct a cost-benefit analysis and submit its findings to the California Supreme Court and the Legislature before making any changes to the California Bar Examination. California has a long history of being a model for the nation and this bill will take necessary steps to ensure that our State Bar Examination continues to uphold this standard.

Arguments in Support

None on file

Arguments in Opposition

None on file

FISCAL COMMENTS

None

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Wicks, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur, Tangipa

ASSEMBLY FLOOR: 73-0-6

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Solache, Soria, Stefani, Ta, Tangipa, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Gallagher, Papan, Ramos, Schultz, Sharp-Collins, Valencia

UPDATED

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CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334

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