

SENATE THIRD READING  
SB 47 (Umberg)  
As Amended September 2, 2025  
Majority vote

## SUMMARY

Directs the California State Auditor to audit the February 2025 bar examination.

### Major Provisions

- 1) Requires the California State Auditor to conduct an audit of the February 2025 bar exam to evaluate the administration of the February 2025 bar exam and how the problems with the exam occurred.
- 2) Requires the audit mandated in 1), above, to evaluate the bidding and contracting process that the State Bar engaged in that led to awarding the contract to Proctor U, Inc., doing business as Meazure Learning, as well as the final terms of the contract, and determine the following:
  - a) Whether the process was conducted according to existing laws, regulations, and policies;
  - b) What evaluation criteria were used to determine whether Meazure Learning had experience with, and was capable of, conducting an examination similar to the State Bar examination;
  - c) Whether the State Bar appropriately evaluated and authorized any changes, including cost changes, to the executed contract; and
  - d) Whether there were appropriate protections from, and evaluations of, any potential conflicts of interest that may have existed between relevant staff at the State Bar and Meazure Learning.
- 3) Requires the audit mandated in 1), above, to evaluate the bidding and contracting process that the State Bar engaged in that led to awarding the contract to Kaplan, Inc. for administration of the State Bar examination multiple choice questions, as well as the final terms of the contract for those services, and determine all of the following:
  - a) Whether the processes were conducted according to existing laws, regulations, and policies;
  - b) What evaluation criteria was used to determine whether Kaplan, Inc. had experience with, and was capable of, creating relevant and appropriate questions similar to existing comparable entities like the National Conference of Bar Examiners; and
  - c) Whether the terms of the contract allowed for oversight and monitoring of the question development process, and whether the State Bar appropriately utilized its oversight and monitoring to ensure that sufficient processes were engaged in to develop questions, ensure accuracy, and ensure fairness in the question development
- 4) Requires the audit mandated in 1), above, to evaluate the process that the State Bar engaged in leading up to the administration of the February 2025 State Bar examination to ensure that

the examination was conducted in a way that allowed participants to engage fairly in the examination process, and determine all of the following:

- a) When and how the State Bar became aware of any potential problems with the administration of the examination, including limits or problems with examination locations, and how those potential problems were addressed;
  - b) How the process for remote examination employed for the February 2025 State Bar examination differed from the processes used for remote examination during the COVID-19 pandemic, and the reasons for those differences;
  - c) The process and reasoning for determining that a makeup examination date should be offered, and the timeline for making that determination; and
  - d) The process for determining what specific equipment would be permitted for test-takers, such as white boards, and the reasoning and processes utilized to make any changes to those requirements leading up to the examination date.
- 5) Requires the audit mandated in 1), above, to be completed as quickly as possible and be submitted to the board of trustees, the Chief Justice of the Supreme Court, and to the Assembly and Senate Committees on Judiciary.
- 6) *Requires the audit mandated in 1), above, to evaluate the events that led to the State Bar to use artificial intelligence to create multiple choice questions for use on the February 2025 State Bar examination, including the following:*
- a) *When and who made the decision;*
  - b) *The rationale for using artificial intelligence;*
  - c) *When the State Bar's leadership knew that artificial intelligence was used to create exam questions; and*
  - d) *What criteria was used to ensure the questions were correct and appropriate.*
- 7) *Requires the audit mandated in 1), above, to evaluate the costs and savings associated with the February 2025 State Bar examination, as specified.*
- 8) Requires the State Bar to pay the costs of the audit.
- 9) *Adopts an urgency 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.

The public outcry regarding the testing irregularities experienced during the February exam also spurred the State Bar and the Committee of Bar Examiners to announce a series of "scoring remedies" designed to adjust test taker scores to compensate for the technical issues. (<https://www.calbar.ca.gov/About-Us/News/News-Releases/CBE-Recommend-Scoring-Adjustments-for-February-Bar-Exam>.) As a result of the most recent remedy approved by the Committee of Bar Examiners, the State Bar informed this Committee that approximately 63.37

percent of general bar exam and 81.45% of attorney exam takers passed the February exam, meaning that the February 2025 exam now has one of the highest pass rates in recent history.

This bill directs the State Auditor to examine the formation of both the Kaplan and Measure Learning contracts. The bill requires the State Auditor to determine if proper contracting processes were followed and if any conflicts existed between State Bar staff and these vendors. The bill also directs the State Auditor to examine the State Bar's actions once it became aware of the significant logistical and technological issues in the run-up to the February 2025 exam. Although not an urgency measure, the bill requests that the State Auditor produce their findings as quickly as possible. Finally, the bill requires the State Bar to pay for the audit.

### **According to the Author**

The failure of the State Bar in administering the February 2025 Bar Exam is unacceptable and unprecedented. Taking the bar exam is one of the most stressful times in a law school graduate's life. It entails an enormous investment financially, emotionally, and in time – often for both the test taker and their family. I am extremely sympathetic to the plight of examinees affected by this debacle and the real world consequences, including loss of job offers, delay in starting one's career, the financial effect, and extreme stress this entire situation has caused. Admitting persons to practice law in this state is a core responsibility of the State Bar. This includes administration of the Bar Examination.

I am also deeply troubled by the recent revelations from the State Bar that AI was used to draft certain multiple-choice questions on the February bar exam. This information was not disclosed to anyone—including, most astonishingly, the California Supreme Court. The entire roll out of the February bar exam, from its creation to administration, has proven to be an unmitigated disaster. Each new revelation raises more concerning questions. Questions about the decision-making process of the State Bar; questions about the performance of current leadership; and questions about if the State Bar acted within its authority as granted by the California Supreme Court when designing the February bar exam.

I introduced SB 47 to require an audit of the February bar exam by the California State Auditor because it is imperative that an independent audit is conducted to provide oversight of this fiasco. While the California Supreme Court has plenary power over the State Bar in terms of admissions, the Legislature has regulatory oversight over the State Bar as well. There has been no need for the Legislature to exercise oversight over the Bar Exam in the past, but that is clearly not the case now. It is vital that we understand what went wrong and how it occurred in order to ensure that nothing like this ever happens again.

### **Arguments in Support**

None on file

### **Arguments in Opposition**

None on file

## **FISCAL COMMENTS**

None

## VOTES

### SENATE FLOOR: 38-0-2

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**ABS, ABST OR NV:** Cervantes, Reyes

### ASM JUDICIARY: 12-0-0

**YES:** Kalra, Dixon, Garcia, Bryan, Connolly, Harabedian, Tangipa, Pacheco, Papan, Sanchez, Lee, Zbur

### ASSEMBLY FLOOR: 75-0-4

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

**ABS, ABST OR NV:** Bauer-Kahan, Flora, Pellerin, Blanca Rubio

## UPDATED

VERSION: September 2, 2025

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

FN: 0001512