
UNFINISHED BUSINESS

Bill No: SB 47
Author: Umberg (D), et al.
Amended: 9/2/25
Vote: 27 - Urgency

SENATE JUDICIARY COMMITTEE: 12-0, 5/6/25

AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Valladares

SENATE FLOOR: 38-0, 5/28/25

AYES: 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

NO VOTE RECORDED: Cervantes, Reyes

ASSEMBLY FLOOR: 70-0, 9/10/25 – Roll call vote not available

SUBJECT: February 2025 bar exam: audit

SOURCE: Author

DIGEST: This bill 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.

Assembly Amendments require additional items to be audited, including the use of artificial intelligence (AI) in the creation of the bar exam, and adds an urgency clause.

ANALYSIS:

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. (California Constitution, art. VI, § 9; Business & Professions Code (Bus. & Prof. Code) §§ 6000 et seq.)
- 2) Establishes the State Bar Act as the statutory requirements regulating the practice of law in this state. (Bus. & Prof. Code §§ 6000 et seq.) The State Bar is governed by the Board of Trustees of the State Bar (Board). (Bus. & Prof. Code §§ 6010 et seq.; § 6016.)
- 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 that the Committee of Bar Examiners is comprised of 19 members, 10 of whom are licensees of the State Bar or judges of courts of record in this state and nine of whom shall be public members who have never been licensees of the State Bar or admitted to practice before any court in the United States. (Ibid.)
- 5) 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. The Supreme Court admits persons to practice law in this state. (Bus. & Prof. Code § 6060(g).)

This bill:

- 1) Requires the California State Auditor to conduct an audit of the February 2025 bar exam to evaluate the administration of the exam and how the problems with that exam occurred.
- 2) Requires the audit 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 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 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 to be submitted as soon as possible to the Board, the Chief Justice of the Supreme Court, and to the Assembly and Senate Committees on Judiciary.
- 6) Requires the State Bar to use existing resources to provide the California State Auditor with the funding necessary to cover the costs of the audit.
- 7) Includes an urgency clause

Comments

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 allowed for both in-person and remote test taking.¹ 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 [NCBE] and to engage ProctorU, Inc. d/b/a/ Meazure Learning (Meazure Learning) to administer the examination remotely or at Meazure Learning’s test centers.”² 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.

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>.

² *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>.

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."³ 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.⁴

³ 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%3ATT7IZwFcfYgN%2B46NDnKPDsLFczdr1him.

⁴ *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>.

The State Bar recently revealed that it employed a company to have non-lawyers use AI to create some of the questions for the multiple-choice portion of the exam. According to the State Bar, 100 of the 171 scored multiple-choice questions were made by Kaplan, 48 were taken from a first-year law students' examination (FYLSX), and 23 questions that were scored on the exam were made by ACS Ventures, the State Bar's psychometrician, and developed with artificial intelligence.⁵ ACS Ventures is the same company that the State Bar uses to assess and approve the questions on the bar exam. This revelation in itself was alarming, but what was truly shocking was that the neither the Committee of Bar Examiners nor the Supreme Court had been informed of this fact.⁶ This incident raises troubling questions about the State Bar; questions about the decision-making process of the State Bar and its leadership, and questions about whether the State Bar acted outside of its delegated authority from the Supreme Court. The Supreme Court directed the State Bar to provide an explanation regarding the use of AI on the exam in its petition to the Court requesting approval for the raw score of the February 2025 bar exam. The State Bar submitted a petition to the Supreme Court to approve the raw score for the February 2025 bar exam on April 29, 2025. On May 2, 2025, the Supreme Court issued an order in response to the petition setting the raw score at 534 as approved by the Committee of Bar Examiners, and requires the State Bar to return to the MBE for the July 2025 bar exam.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 9/8/25)

1 individual

OPPOSITION: (Verified 9/8/25)

1 individual

ARGUMENTS IN SUPPORT: The author writes:

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

⁵ Jenny Jarvie, Los Angeles Times, *State Bar of California admits it used AI to develop exam questions, triggering new furor*, (Apr. 23, 2025), available at <https://www.latimes.com/california/story/2025-04-23/state-bar-of-california-used-ai-for-exam-questions>.

⁶ *Ibid.*

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.

ASSEMBLY FLOOR: 75-0, 6/27/25

AYES: 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
NO VOTE RECORDED: Bauer-Kahan, Flora, Pellerin, Blanca Rubio

Prepared by: Amanda Mattson / JUD. / (916) 651-4113
9/10/25 14:47:20

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