



**LOS ANGELES COUNTY BAR ASSOCIATION**

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**Public Comment by the Los Angeles County Bar Association on Proposals by the State Bar of California to Depart From a California Bar Exam**

The Los Angeles County Bar Association (“LACBA”) [and undersigned bar associations] write to oppose proposals by the State Bar of California (“State Bar”) to abandon the California Bar Exam. We believe that these proposals are unnecessary and threaten the State Bar’s mission to protect the public by requiring a rigorous licensing process for new attorneys to ensure they are competent and ethical. In addition, we strongly oppose the rushed decision making process proposed by the State Bar for making a decision regarding whether to depart from the California Bar Exam and adopt entirely new, costly, and unproven exam options that are under consideration.

The State Bar should continue with the current exam format while it forms a subcommittee on exam development that can consult with experts, closely observe developments in other states and make educated recommendations to the CBE. Especially in view of the recent problems with the February 2025 bar exam, any change to licensure should be carefully considered, achieve proven and demonstrated benefit, and not be made on a compressed timeline. *There is simply no reason or benefit for California to rush this important decision.*

**1. Background**

In 2021, the California Supreme Court and State Bar formed the Blue Ribbon Commission on the future of the California Bar Exam (the “BRC”). Nineteen appointed members included representatives from a broad collection of stakeholders.

On April 26, 2023, after two years of study and meetings, the BRC issued a final report (the “BRC Report”). The BRC Report overwhelmingly recommended that California continue to develop and reform its own bar exam and *not* adopt a new “NextGen Exam” by the National Conference of Bar Examiners (“NCBE”), which is scheduled to debut in 2026 in some states.<sup>1</sup> This recommendation was based on numerous reasons including the importance of California having the ability to control and reform its own exam that emphasizes California law, test more than two times a year, and conduct remote testing (which is prohibited by the NCBE). On October 10, 2024, the California Supreme Court issued an Order incorporating the BRC recommendations and mandating a reformed California exam with 12 topics to be tested, 8 of which include California law.<sup>2</sup>

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<sup>1</sup> <https://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000030806.pdf#page=8> (The BRC Report). The only vote in favor of adopting the NCBE NextGen Exam was from an NCBE member representative.

<sup>2</sup> <https://www.calbar.ca.gov/Portals/0/documents/admissions/Examinations/California-Supreme-Court-Admin-Order-2024-10-10.pdf> (October 10, 2024 Supreme Court Order Concerning BRC Recommendations). The Court mandated a California bar exam that tests California topics including community property, administrative law, employment law, estate planning, trusts and probate, California civil procedure, California evidence, and California ethics.

Following the controversial February 2025 California Bar Exam, involving a new exam administration vendor that delivered a defective exam, the legislature passed a bill (AB 484) requiring a cost-benefit analysis for future changes to the exam and 24 months notification for significant changes. The bill was designed “to ensure that the State Bar of California does not make a rushed decision affecting the general bar exam in the future.”<sup>3</sup> The California Supreme Court also enacted rule 9.6(b) of the California Rules of Court (hereinafter “Rule 9.6(b)”), similarly requiring a cost-benefit analysis.

Unfortunately, contrary to the Supreme Court’s order, AB 484 and Rule 9.6(b), the State Bar is now offering proposals for California to depart from a California Bar Exam and instead choose entirely different, more expensive and unproven exam options on a rushed timeline. Specifically, the State Bar is requesting that Committee of Bar Examiners (CBE) members choose, in the course of a few short meetings and with limited input, from three options: (1) Continue to develop a California Bar Exam as recommended by the BRC Report and the Supreme Court (the “California Option”); (2) Abandon a California Bar Exam and adopt the NextGen Exam that will begin implementation in 2026 (the “NextGen Option”);<sup>4</sup> or (3) Adopt a shortened one-day exam planned by the Nevada State Bar for 2027 that is a highly reduced version of the current exam and removes significant portions including the entire essay section and half of the multiple choice section (the “Nevada Option”).

LACBA opposes a rushed decision to abandon the California Bar Exam and the BRC Report recommendations in favor of other plans, such as the NextGen Option and Nevada Option, that have not yet launched, would incur substantial financial costs, have not proven to be successful or beneficial for California, and do not sufficiently test California law. There is no reason for California to engage in this rushed decision making process.

## **2. The State Bar’s Proposed Alternatives to the California Option Do Not Include Much-Needed Cost Savings Through Remote Testing and Undermine the 5-Year Contract the State Bar Already Entered with Kaplan for \$8.25 million**

The State Bar’s proposed alternatives to the California Bar—the NextGen Option and the Nevada Option—do *not* include the option of remote testing. By the State Bar’s own admission, the ability to conduct remote testing is central to its future fiscal health. The ability to conduct remote testing also was a primary reason for its five year \$8.25-million contract with Kaplan Exam Services (“Kaplan”).

The State Bar’s 2024 budget forecast a deficit in the admissions fund and insolvency in 2026 without a California bar exam that includes a remote testing option.<sup>5</sup> The assessment was made before the State Bar entered into a five year \$8.25-million contract with Kaplan develop the multiple choice section of a California exam that can be tested remotely. The State Bar projected that a change of the multiple choice vendor to Kaplan would save \$3.8 million a year in costs with a remote option, and also preserve the ability to use the questions after 2028, when the NCBE retires its own multiple

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<sup>3</sup> Assembly Committee Analysis of AB 484 (<https://trackbill.com/s3/bills/CA/2025/AB/484/analyses/assembly-judiciary.pdf>)

<sup>4</sup> The NextGen Exam is an updated version of the Uniform Bar Exam. It is scheduled to debut in some states in 2026, relies on internet connection in large test centers, and has not been tested on a large scale. It does not test state law and only allows a short supplement for testing state law.

<sup>5</sup> <https://www.latimes.com/california/story/2025-05-07/after-botched-exams-california-state-bar-faces-deeper-financial-crisis>

choice exam.<sup>6</sup> Notably, at a Senate Judiciary Hearing, State Bar leaders testified that the February 2025 issues with the bar exam were not related to Kaplan, whose materials “performed psychometrically well . . . there is no concern about the quality of the questions Kaplan drafted.”<sup>7</sup>

Now, inexplicably, the State Bar is proposing alternatives to the California Option that do *not* include remote testing and undermine its contract with Kaplan. It would be financially imprudent for the State Bar to continue to pay for the contract with Kaplan, purchase an entirely new and expensive exam such as the NextGen exam, plus additional future costs in abandoning a remote exam. This is particularly the case where the other options have not proven to be more reliable or superior to the Kaplan product that the State Bar has already purchased and approved. The State Bar should not place additional financial burdens on applicants and attorneys, who already pay the highest fees and dues in the country.

### **3. The California Option Will Implement the Supreme Court’s Order While Maintaining Flexibility to Evaluate Developments in Other States**

Only the California Option would provide the State Bar with financial and logistic flexibility to act as a “bridge” to a future reformed California exam with a remote option. It would also allow the State Bar to observe the rollouts of the NextGen Exam, Nevada Exam, and other state alternatives and evaluate if portions are successful and might make sense for California.

The California Option would also preserve the ability to test the 12 subjects mandated by the Supreme Court, including 8 state topics. In contrast, the Nevada and NextGen Options would not adequately test these subjects. The Nevada Option would reduce testing of all subjects to 100 multiple choice questions and remove the essay section of the exam, which tests critical legal skills and subject areas. The NextGen exam does not test California law, but only allows a short state-specific supplement. Neither of these options would adequately test the subjects and skills mandated by the Court.<sup>8</sup>

A move to the NextGen or Nevada Options at this stage would realistically become a death knell to the California Bar Exam. While a few CBE members suggested the NextGen Option as a temporary “bridge” to a future California Bar Exam, this would be unrealistic logistically and financially as it would require wholesale irreversible changes to law school curriculum, exam grading, and administration.<sup>9</sup> Instead, the State Bar should form a subcommittee on exam development that can consult with experts, observe developments in other states, and make educated recommendations to the CBE, based on the subjects and skills identified by the BRC Report and Supreme Court. Any long-term change to licensure should not be made on a compressed timeline.

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<sup>6</sup> <https://www.calbar.ca.gov/About-Us/News/state-bar-kaplan-sign-five-year-california-bar-exam-development-contract> .

<sup>7</sup> <https://www.senate.ca.gov/media/senate-judiciary-committee-20250506> (May 6, 2025 Judiciary Hearing, Leah Wilson Testimony, at 1:35:00). Ms. Wilson further testified that the State Bar does not have an ability to exit the Kaplan contract “for several years” and an early exit fee will be approximately \$6 million. *Id.* at 1:28:35.

<sup>8</sup> By eliminating key sections of the exam, the Nevada and NextGen Options would also conflict with State Bar Rules requiring three distinct sections of “multiple-choice questions, essay questions, and performance test” for the general bar exam and the attorney exam. Rules of the State Bar 4.3(I) and 4.3(C).

<sup>9</sup> The NextGen Option would also require California to develop a state-specific supplement by July 2026 to comply with a mandated two-year California notice requirement for the July 2028 exam. It is unclear how California can competently develop a supplement in this short time frame that would test the 8 mandated state law subjects.

4. **The State Bar Should Involve Practitioners and Bar Associations in Any Decision Affecting Licensure**

In an October 10, 2025 CBE meeting, the State Bar indicated that it would involve stakeholders in this pivotal discussion. However, the only stakeholder noted by the State Bar was law schools, which have a distinct interest in developing a program that will ensure the easiest pathway to licensure for their students. It is unfortunate that practicing lawyers and bar associations were not recognized as stakeholders in the process. To that end, the State Bar should provide a long enough comment period for practitioners and bar associations to provide input regarding any concrete proposal for substantive revisions to licensure, including long-term changes to the bar exam.