



Proposal for Portfolio Bar Exam

Presented by: Audrey Ching, Director, Office of Admissions



CONSIDER PUBLIC COMMENTS RECEIVED AND:

- Send the Alternative Pathway Working Group's proposal to the Supreme Court as-is; or
- Send the proposal to the Supreme Court as amended by staff's recommendation; or
- Decide not to advance any proposal to the Supreme Court.

KEY PORTFOLIO BAR EXAM ELEMENTS



*Eligibility

- JD (ABA-accredited and California-accredited)
- Unaccredited school grads not eligible



*Curriculum

Law school courses (9 doctrinal subjects identified by the BRC)



*Practice Scope During Supervised Practice Period

Similar to provisional licensees in the Provisional Licensure Program



*Supervisor Qualifications

- Hold active California licenses
- Not immediate family members of candidates

* Items waived or already in place for the pilot

KEY PORTFOLIO BAR EXAM ELEMENTS

Required Supervised Practice Hours

- 700–1000 hours over 17.5–25 weeks

Portfolio Contents

- 8–13 different work products meeting specific requirements
- 2–3 essays on professional responsibility, professionalism, or civility
- Written work product reflecting analysis of a variety of legal matters
- Cover sheets explaining the content and research for each piece of work
- Timesheets documenting hours spent on each portfolio component

Grading

- Portfolios graded anonymously by independent examiners based on grading rubrics

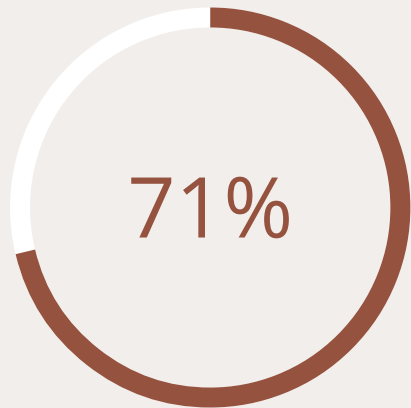
PILOT COHORT

- Approximately 100 remaining PLLs eligible for pilot
- Small, monitored cohort
- Provides empirical data and qualitative information
- Allows for outstanding issues to be vetted and addressed
- Provides a fully informed context for future Board and Supreme Court decision-making

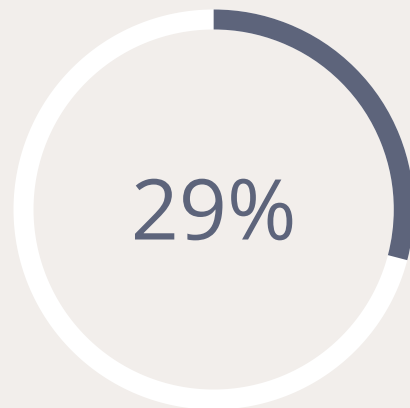


PUBLIC COMMENT

2,814 total comments received

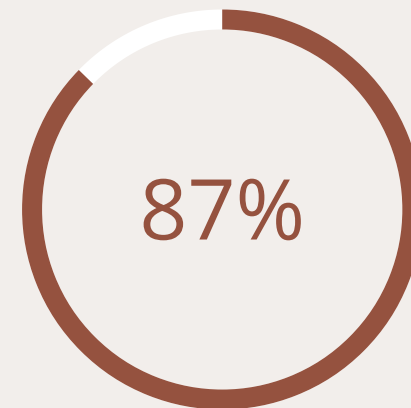


Disagree



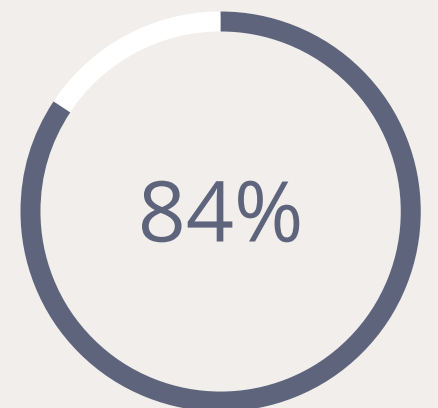
Agree/agree if
modified

2,208 from California-
licensed attorneys



Disagree

461 nonattorneys

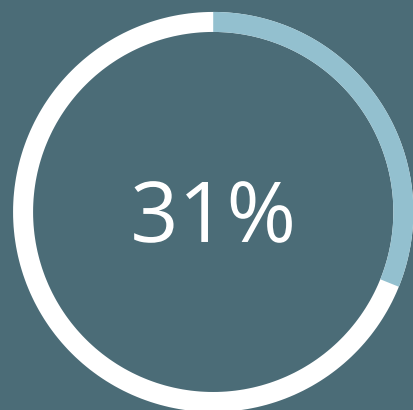


Agree/agree if
modified

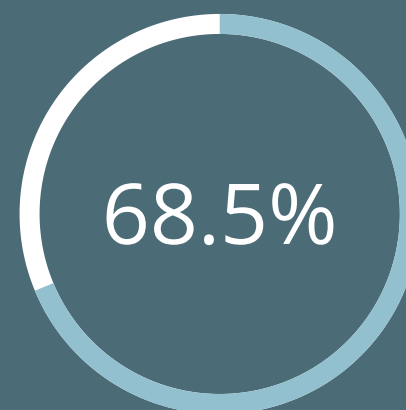
Tag

5 100

PUBLIC COMMENT



- 105 organizations
 - 33 agree/agree if modified
 - 22 IOLTA-funded orgs submitted one support letter, and did not also individually submit



- 72 disagree
- 41 individually submitted the same LACBA letter

THEMES FROM PUBLIC COMMENT

Agree or Agree if Modified (698)



The PBE is a good way to assess minimum competence



The PBE adequately protects the public



700–1000 supervised practice hours required by the PBE is adequate



The current bar exam is inadequate and doesn't assess practical skills



A PBE can better evaluate work experience and foster diversity



Law schools should focus on practical training, which the portfolio system supports



The State Bar's pilot program for a PBE is a positive step



Flexibility in meeting portfolio requirements, like allowing volunteering, would benefit applicants

THEMES FROM PUBLIC COMMENT

Disagree (1,989)



The PBE is a poor way to assess minimum competence



The PBE does not protect the public



A portfolio of work product cannot be graded as fairly or reliably as a bar exam



"Dumbs down" requirements, sacrifices public protection



Creates alternative pathway, undermines equal standards



Lacks broad subject matter knowledge



Subjective and unreliable assessment



Lack of consistency, quality, and support



Potential for fraud, lack of authenticity



Doesn't address areas of greatest need

STAFF RECOMMENDATIONS



Pilot a PBE that includes standardized performance tests with remaining licensees in the original Provisional Licensure Program to be completed by Dec. 31, 2025



Finalize requirements for the pilot PBE, study outcomes of the pilot program, and make recommendations regarding continuation, modification, or expansion of the PBE post-pilot

BASIS FOR STAFF RECOMMENDATION

Why try a PBE Pilot

- Longstanding concern that the traditional bar exam doesn't test skills needed for an entry-level attorney
- Many states exploring portfolio-based options
- PLL cohort pilot tests with small, existing population
- The Board recommended this type of pilot to the Supreme Court in Nov. 2022

Why add a performance test component?

- Addresses concerns about portfolio assessment quality, subjectivity, and veracity
- Used in other PBE jurisdictions:
 - Canadian provinces have additional assessment
 - Utah plans to include PT

To-Dos Before Pilot Implementation



Portfolio
components



Rubrics
Cut score
Submission
Timing/grading



Grader training
Supervisor
training



Consequences of
failing the PBE
TBD



Evaluation
criteria and pilot
program metrics



Thank You!

QUESTIONS?