



The State Bar of California

OPEN SESSION

AGENDA ITEM IV A

JUNE 2024

COMMITTEE OF BAR EXAMINERS

DATE: June 21, 2024

TO: Members, Committee of Bar Examiners

FROM: Audrey Ching, Program Director

SUBJECT: Update on the 2025 California Bar Examinations

EXECUTIVE SUMMARY

At the April 19, 2024, meeting of the Committee of Bar Examiners (CBE), the committee recommended to the Board of Trustees that a new vendor be selected for the preparation of the multiple-choice section of the California Bar Exam. The proposed vendor, Kaplan North America LLC (Kaplan), would produce a bank of multiple-choice exam questions in time for the February 2025 bar exam. At the May 16th meeting of the Board of Trustees, the item seeking Board approval for the proposal was withdrawn and continued. This item presents an update on those contract negotiations.

BACKGROUND

Based on input from CBE liaisons, various stakeholder discussions, an open forum, and two committee meetings, State Bar staff proposed hiring Kaplan to develop bar exam questions, including multiple-choice questions, for the February 2025 exam. This proposal was set to be reviewed by the Board of Trustees at its May meeting.

On May 16 Kaplan asked the State Bar to defer the discussion of the Board item as a result of a communication it had received from the National Conference of Bar Examiners (NCBE) raising intellectual property and contractual concerns.

DISCUSSION

Subsequent to the May Board meeting, staff have attempted to work with Kaplan to proactively identify and address any copyright or other obstacles to the planned partnership with the goal of timely resolving so that a set of multiple-choice questions could be developed for the

February 2025 bar exam.

Most recently, staff contacted the NCBE directly to better understand the parameters of any potential copyright concerns it may have.

To date, there has been no resolution that would enable the State Bar to move forward with the Kaplan contract.

Staff is continuing in its efforts to reach an agreement with Kaplan and, effectively, the NCBE. At the same time, staff is planning for the possibility that an agreement will not be reached. Options have been identified in that vein including contracting with the NCBE, or another jurisdiction that develops its own bar exam, for February 2025 multiple-choice questions. Another complementary option involves the State Bar developing its own multiple-choice questions effective with the *July* 2025 bar exam.

Under all scenarios, the State Bar remains steadfast in its commitment to not substantially modify the training or preparation required for passage of the examination in accordance with § 6046.6 of the Business and Professions Code.

With respect to a backup plan to purchases MBE questions from the NCBE for February 2025, the NCBE set a revised November 2024 deadline to purchase questions for that exam; the deadline for February exam question purchase is typically six weeks before the exam date.

The cost of the MBE is increasing by \$4 per applicant effective July 2024, reflecting a new total cost of \$72. Using forecasted 2025 applicant numbers, the price increase will result in approximately 1 million dollars in MBE costs in 2025, should the State Bar have to purchase questions for that exam from the NCBE. If the State Bar administers the February 2025 exam in jurisdiction-run facilities as required by the NCBE, the February 2025 exam is forecasted to cost the State Bar 1.6 million over February 2024.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATIONS

ATTACHMENTS LIST

- A. NCBE Letter to Kaplan