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FACT SHEET

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# The February 2025 Bar Exam

## *The State's Poor Implementation of Changes to the Exam Negatively Affected Test Takers*

### *Background*

One of the key responsibilities of the State Bar of California (State Bar) is the biannual administration of the California Bar Examination (bar exam). Before the COVID-19 pandemic, individuals seeking to practice law in California had to take the bar exam in person. After offering the bar exam remotely during the pandemic, the State Bar decided to provide both remote and in-person options for the February 2025 administration of the bar exam (February 2025 bar exam). The State Bar's primary motivation for this decision was to reduce administration costs in an effort to address the impending insolvency of its Admissions Fund, which supports activities pertaining to the admission of law practitioners in California. Ultimately, a significant number of the individuals who took the February 2025 bar exam experienced problems. To better understand why these problems occurred, the Legislature and Governor of California amended state law to require our office to perform an audit of the State Bar's efforts to administer the February 2025 bar exam.

### *Key Findings*

- We found that the State Bar's timeline and poor planning created challenges with the development of the exam's questions.
  - The State Bar's contract with its question development vendor, Kaplan Exam Services, LLC, did not specify all the topics needed for the February 2025 bar exam, resulting in the State Bar asking another vendor, ACS Ventures, LLC, to develop questions for the exam, which it did using artificial intelligence.
  - The State Bar's process for validating the newly developed questions had flaws that hindered its effectiveness and led to 20 percent of the questions having performance issues, resulting in the State Bar removing more questions from scoring than it intended.
- The State Bar did little to prevent the technical and administrative failures that occurred in the February 2025 bar exam, despite similar problems having occurred during a pretest in November 2024.
- Test takers faced computer freezes, crashes, and error messages with the testing platform during the February 2025 bar exam. Because of the technical and administrative problems that test takers experienced, the State Bar made significant adjustments to its scoring for the February 2025 bar exam, raising the pass rate from an estimated 36 percent to about 65 percent of test takers.
- The State Bar experienced no cost savings on the February 2025 bar exam and at least $4 million in revenue losses.
  - The February 2025 bar exam alone will cost the State Bar at least $5.1 million, not including the costs of pending legal matters.
  - The State Bar offered test takers refunds and fee waivers to take the bar exam again, which resulted in at least $4 million in lost revenue.

### *At a Glance*

*We found that…*

The State Bar's timeline and poor planning created challenges with question development.

Question issues required the State Bar to remove more questions from scoring than it intended.

The State Bar contracted with an exam administrator without verifying its ability to effectively administer the February 2025 bar exam.

The State Bar fell short of preventing the technical and administrative failures that occurred during the February 2025 bar exam.

The State Bar experienced no cost savings on the February 2025 bar exam and at least $4 million in lost revenue.

### *Key Recommendations*

In several instances, we found that the State Bar had already taken steps to address concerns stemming from the February 2025 bar exam. In addition, the Supreme Court of California amended the California Rules of Court related to the administration of the bar exam, including requiring the State Bar to conduct a cost-benefit analysis of relevant costs for changes to the bar exam. However, to improve the quality of the multiple-choice questions it develops for the bar exam, we recommend that the State Bar implement policies establishing processes for exam development. These processes should require the State Bar to finalize content needs and proportions before it starts developing exam questions and to test all new or changed components of its bar exam, such as the implementation of new annotation tools or changes to its rules regarding the items test takers may use during the exam. Moreover, it should complete this testing early enough to allow adequate time to resolve any issues or problems it identifies.