

Table B
Audit Objectives and the Methods Used to Address Them

AUDIT OBJECTIVE	METHOD
<p>1 Review and evaluate the laws, rules, and regulations significant to the audit objectives.</p>	<p>Reviewed the laws and regulations pertinent to audit objectives.</p>
<p>2 Evaluate the bidding and contracting process that the State Bar engaged in that led to awarding the contract to Meazure Learning, as well as the final terms of the contract, and determine the following:</p> <ul style="list-style-type: none"> a. Whether the State Bar followed existing laws, regulations, and policies during the bidding and contracting process. b. What evaluation criteria the State Bar used to determine whether Meazure Learning had sufficient experience with 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. d. Whether the State Bar had 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. 	<ul style="list-style-type: none"> • Reviewed the relevant laws, regulations, and policies that the State Bar must follow during the bidding and contracting process for contracts related to exam administration. • Tested whether the State Bar followed its process for reviewing, approving, and amending its contracts with Meazure Learning. • Reviewed all bids submitted to the State Bar, staff evaluations of those bids, and emails of key former State Bar staff to determine why the State Bar selected Meazure Learning for remote exam administration of the February 2025 bar exam. • Reviewed the original and amended third statement of work to identify changes to costs and scope of work and when the changes occurred. • Confirmed with State Bar assistant general counsel that it executed only one amendment to the third statement of work. • Interviewed State Bar staff to understand the rationale for the changes to the third statement of work. • Determined whether the changes were warranted based on the original agreement versus the amendment, State Bar rationale, and supporting documentation. • Reviewed the State Bar Act sections related to conflict of interest, the State Bar's conflict of interest code for designated employees, policies and procedures, and the conflict of interest code for members of the Board. • Compared the State Bar's policies and procedures to the State Contracting Manual policies related to conflict of interest to evaluate whether the State Bar has appropriate protections and evaluations of potential conflicts of interest. • Reviewed the requisition forms, purchase orders, and contracts with Meazure Learning to identify State Bar employees involved in the procurement and contracting process. Reviewed Form 700s to determine whether State Bar employees, and Board and Committee members, had potential conflicts with Meazure Learning in calendar years 2023 through 2025. • Reviewed the State Bar's agreement with Meazure Learning to determine whether the State Bar had appropriate protections from and evaluations of potential conflicts of interest.
<p>3 Evaluate the bidding and contracting process that the State Bar engaged in that led to awarding the contract to Kaplan for administration of the State Bar examination multiple-choice questions, as well as the final terms of the contract for those services, and determine the following:</p> <ul style="list-style-type: none"> a. Whether the State Bar followed existing laws, regulations, and policies during the contracting process. b. What evaluation criteria the State Bar used to determine whether Kaplan had sufficient experience with creating relevant and appropriate questions similar to existing comparable entities like the NCBE. 	<ul style="list-style-type: none"> • Reviewed requisition documentation, Board meeting minutes, and the executed contract with Kaplan to determine whether the State Bar generally complied with existing laws, regulations, and policies. • Reviewed the procurement file and Board and Committee meeting minutes, and also interviewed current and former State Bar staff.

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<p>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.</p> <p>d. Why Kaplan provided 100 multiple-choice questions for the February 2025 bar exam, instead of 200.</p>	<ul style="list-style-type: none"> Reviewed the contract between the State Bar and Kaplan to identify any provisions that require or allow the State Bar to oversee the question development process. Identified panelists from the State Bar’s content validation panels for the February 2025 bar exam, determined how they were selected, and evaluated the extent of State Bar leadership’s involvement in selecting panelists. Interviewed State Bar staff and reviewed procurement documents, as well as content validation panel documentation to determine the State Bar’s question validation process and whether the process ensured that questions met the State Bar’s needs. Reviewed the executed contract between the State Bar and Kaplan to clearly understand Kaplan’s contractual responsibilities. Reviewed the first-year exam questions and the content maps to determine which areas needed to be addressed.
<p>4 Evaluate the process that the State Bar engaged in leading up to the administration of the February 2025 bar exam to ensure that it was conducted in a way that allowed participants to engage fairly in the examination process, and determine all of the following:</p> <p>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.</p> <p>b. How the process for remote examination employed for the February 2025 bar exam differed from the processes used for remote examination during the pandemic, and the reasons for those differences.</p> <p>c. The process and reasoning for determining that a makeup examination date should be offered, and the timeline for making that determination.</p> <p>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.</p>	<ul style="list-style-type: none"> Obtained and reviewed documents regarding potential problems the State Bar and the public were aware of and how the State Bar responded to those issues. Reviewed the State Bar’s exam data to determine which questions had performance problems, which were scored, and which were unscored, as well as how each question performed during the content review process. Determined whether the questions the State Bar ultimately used for that exam met the standards that the State Bar established for the February 2025 bar exam. Obtained and reviewed documents related to the process for remote examination employed for the February 2025 bar exam and for bar exams that occurred during the pandemic to determine potential impacts, including costs, of the different approaches to remote exams. Obtained and reviewed documentation related to the process, timeline, and rationale for conducting a makeup exam. Reviewed emails between the State Bar, Meazure Learning, and the Supreme Court. Obtained and reviewed documentation regarding the process for determining permitted equipment for test takers. Reviewed past exam bulletins to determine what the State Bar’s, NCBE’s, and Meazure Learning’s permitted items were, and reviewed State Bar emails to determine rationale.
<p>5 Evaluate the events that led to the use of AI to create multiple-choice questions for use on the February 2025 bar exam, including all of the following:</p> <p>a. When the decision was made.</p> <p>b. Who or what department made the decision.</p> <p>c. The rationale for making the decision.</p> <p>d. When executive leadership at the State Bar knew that AI was used to create questions for the February 2025 bar exam.</p> <p>e. What evaluation criteria were used to ensure that the questions were correct and appropriate for use on the February 2025 bar exam.</p>	<ul style="list-style-type: none"> Obtained and reviewed documentation on the State Bar’s use of AI, and communications with ACS Ventures, to determine the timing of using AI in developing questions for the bar exam. Reviewed documentation to determine what evaluation criteria the State Bar or ACS Ventures used to ensure that bar exam questions created using AI were correct and appropriate for use on the February 2025 bar exam.

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<p>f. What deficiencies in oversight by executive leadership at the Office of Admissions existed, if any, and how have any such deficiencies been remedied.</p>	<ul style="list-style-type: none"> Reviewed documentation and interviewed State Bar staff to determine what deficiencies in oversight by executive leadership existed, if any, and how the State Bar remedied them.
<p>6 a. Itemize the State Bar costs arising from the administration of the February 2025 bar exam, including, but not limited to, costs arising from existing contracts, legal representation, remedies provided to test takers of the February 2025 bar exam, and any other associated costs. Itemized costs should include money already spent, money the State Bar is legally obligated to spend going forward, and other anticipated costs.</p> <p>b. Identify how much money the State Bar claimed it would save by using the February 2025 bar exam format and compare that amount to the total of the itemized costs.</p>	<ul style="list-style-type: none"> Obtained and reviewed accounting records to identify existing and anticipated costs arising from the February 2025 bar exam, as well as the cost of previous bar exams from 2020 to 2025. Obtained and reviewed cost estimates to identify the amount the State Bar claimed it would save by using the February 2025 bar exam format and compared those estimates to the itemized costs.
<p>7 Review and assess any other issues that are significant to the audit.</p>	<p>Compared pass rates of the February 2025 bar exam with other February bar exams and determined the differences of bar passage rates compared to scoring remediations implemented in the February 2025 bar exam.</p>

Source: Audit workpapers.