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PUBLIC COMMENT - MARCUS FRIEDMAN DISCUSSION ON FEBRUARY 2025 BAR EXAM SOLUTIONS April 2, 2025

Good afternoon, Board Members. My name is Marcus Friedman, Administrative Director for the Consumer Protection Policy Center, or CPPC, at the University of San Diego School of Law. CPPC is a nonprofit, nonpartisan academic and advocacy center at USD School of Law. We have examined and critiqued California's regulatory agencies for over 40 years.

Both the number of incomplete February test takers and the increase cost imposed on the State Bar for the upcoming July exam are extreme concerns. However, there is a solution that can assist those affected by the February exam and help the agency save on budget costs, specifically the Portfolio Bar Exam (or PBE).

On October 10, 2024, the Supreme Court of California declined to adopt the PBE due to concerns over current law, fairness, and overall competency. Although the Court's reasons to decline the PBE at the time were valid, CPPC believes that this is the right time to address those concerns and offer an alternative pathway to licensure for those affected by the recent Bar examination.

First, to address the issues with current law, CPPC has drafted emergency legislation that would allow the State Bar to utilize the PBE up until July 1, 2027. The legislation would give authority to the State Bar to license applicants and test minimum competency to practice law in specific practice areas.

Second, the State Bar would need to continue its work on the PBE from late last year in the creation of a PBE committee. To address fairness and consistency in testing competency, the State Bar would need to evaluate different practice areas to evaluate, such as litigation and transactional practices.

CPPC has submitted our detailed memorandum and proposed legislation with the State Bar for your consideration. While this solution will not be readily available for all applicants, it will ease the general stress and frustration for those applicants that do have post-bar work or attorney jobs waiting for them after the February bar exam results.

We appreciate the State Bar and the Board of Trustees' consideration for this proposal.

Thank you.