

Introduced by Senator Umberg

February 3, 2025

An act to amend ~~Section 6140~~ Sections 6026.7, 6046.6, 6140, and 6141 of the Business and Professions Code, relating to attorneys.

LEGISLATIVE COUNSEL'S DIGEST

SB 253, as amended, Umberg. State Bar of California: annual license fee. *California.*

Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation governed by a board of trustees. Existing law, *law authorizes the State Bar to establish an examining committee, also known as the Committee of Bar Examiners, with powers that include examining all applicants for admission to practice law. Existing law, the Bagley-Keene Open Meeting Act, generally requires all meetings of a state body to be open and public. The State Bar Act makes the State Bar subject to the Bagley-Keene Open Meeting Act, with specified exceptions. The Bagley-Keene Open Meeting Act authorizes a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body to hold an open meeting by teleconference if certain requirements are satisfied.*

This bill would specify that the Committee of Bar Examiners shall not be considered an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body for purposes of those provisions.

Existing law prohibits the Committee of Bar Examiners from altering the bar examination in a manner that requires the substantial

modification of the training or preparation required for passage of the examination, except after giving 2 years' notice of that change, and requires the committee to communicate and cooperate with the Law School Council.

This bill would specify what constitutes a substantial modification for purposes of those provisions and would instead require the Committee of Bar Examiners to communicate and cooperate with the Law School Council and their deans, or their designees, of law schools accredited by the American Bar Association or the committee. The bill would authorize the use of scaling on the bar examination, as specified.

Existing law, until January 1, 2026, requires the board of trustees of the State Bar to fix the annual ~~licensee~~ license fee for active licensees for 2025 at a sum not exceeding ~~\$400~~. \$400, and, for the annual license fee for inactive licensees for 2025, a sum not exceeding \$100.

This bill, until January 1, 2027, would ~~instead~~ require the board to fix the annual license fee for active licensees for 2026 at a sum not exceeding ~~an unspecified amount~~. \$400, and the annual license fee for inactive licensees for 2026 at a sum not exceeding \$100.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6026.7 of the Business and Professions
2 Code is amended to read:

3 6026.7. (a) The State Bar is subject to the Bagley-Keene Open
4 Meeting Act (Article 9 (commencing with Section 11120) of
5 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
6 Code) and all meetings of the State Bar are subject to the
7 Bagley-Keene Open Meeting Act.

8 (b) Notwithstanding any other law, the Bagley-Keene Open
9 Meeting Act shall not apply to the Judicial Nominees Evaluation
10 Commission or the State Bar Court.

11 (c) In addition to the grounds authorized in the Bagley-Keene
12 Open Meeting Act, a closed session may be held for those
13 meetings, or portions thereof, relating to any of the following:

14 (1) Appeals from decisions of the Board of Legal Specialization
15 refusing to certify or recertify an applicant or suspending or
16 revoking a specialist's certificate.

1 (2) The preparation of examination materials, the approval, the
2 grading, or the security of test administration of examinations for
3 certification of a specialist.

4 (3) The preparation of examination materials, the approval, the
5 grading, or the security of test administration of the California Bar
6 Examination or the First-Year Law Students' Examination.

7 (4) Matters related to the Committee of Bar Examiners'
8 consideration of moral character, including allegations of criminal
9 or professional misconduct, competence, or physical or mental
10 health of an individual, requests by applicants for testing
11 accommodations in connection with an application for admission
12 to practice law, or appeals of the Committee of Bar Examiners'
13 determinations.

14 (5) Information about a law school's operations that constitutes
15 a trade secret as defined in subdivision (d) of Section 3426.1 of
16 the Civil Code.

17 (6) Matters related to the board's consideration of waiving
18 confidentiality related to records of disciplinary proceedings under
19 subdivision (c) of Section 6086.1.

20 (d) Notwithstanding subdivision (e) of Section 11125.7 of the
21 Government Code, the State Bar shall accept public comment in
22 open session on all matters that are agendaized for discussion or
23 decision by the board of trustees, whether in an open or a closed
24 session.

25 (e) *The Committee of Bar Examiners shall not be considered*
26 *an advisory board, advisory commission, advisory committee,*
27 *advisory subcommittee, or similar multimember advisory body,*
28 *as described in Section 11123.5 of the Government Code, for*
29 *purposes of the Bagley-Keene Open Meeting Act.*

30 SEC. 2. Section 6046.6 of the Business and Professions Code
31 is amended to read:

32 6046.6. (a) (1) ~~The examining committee~~ *Committee of Bar*
33 *Examiners* shall not alter the bar examination in a manner that
34 requires the substantial modification of the training or preparation
35 required for passage of the examination, except after giving two
36 years' notice of that change. ~~This~~

37 (2) *This* requirement does not apply to a change in the bar
38 examination that is applicable only at the option of the applicant.

39 (3) *The following shall constitute a substantial modification for*
40 *purposes of this section:*

1 (A) *Changing the vendor or creator of the multiple choice*
2 *questions from the National Conference of Bar Examiners.*

3 (B) *If the Committee of Bar Examiners changes the vendor or*
4 *creator of the multiple choice questions from the National*
5 *Conference of Bar Examiners, any further change to a different*
6 *vendor or creator. This subparagraph does not apply if the change*
7 *in vendor or creator is to the National Conference of Bar*
8 *Examiners.*

9 (C) *Changing the functionality of testing software or materials.*

10 (D) *Changing the medium in which testing materials are*
11 *provided.*

12 (b) ~~The examining committee~~ *Committee of Bar Examiners*
13 *shall communicate and cooperate with the Law School Council.*
14 *Council and deans, or their designees, of law schools approved*
15 *by the American Bar Association or the Committee of Bar*
16 *Examiners.*

17 (c) Scaling may be used on the bar examination for the purpose
18 of maintaining an examination of uniform difficulty from year to
19 year.

20 (d) *The changes made to subdivision (a) by the act that added*
21 *this subdivision are to apply to any changes made from the July*
22 *2025 bar examination.*

23 **SECTION 1.**

24 **SEC. 3.** Section 6140 of the Business and Professions Code is
25 amended to read:

26 6140. (a) The board shall fix the annual license fee for active
27 licensees for 2026 at a sum not exceeding _____ (\$_____); *four*
28 *hundred dollars (\$400).*

29 (b) The annual license fee for active licensees is payable on or
30 before the date set by the State Bar, which shall not be less than
31 12 months from the prior year's due date. Individuals who qualify
32 for a waiver pursuant to subdivision (b) of Section 6141.1 shall
33 be permitted to pay fees on an installment basis, with interest and
34 other costs directly associated with the use of an installment plan,
35 in the manner determined by the State Bar. Additionally, if the
36 board finds it appropriate and feasible, it may provide by rule for
37 payment of fees on an installment basis with interest, by credit
38 card, or by other means, and may charge licensees choosing any
39 alternative method of payment an additional fee to defray costs
40 incurred by that election.

1 (c) This section shall remain in effect only until January 1, 2027,
2 and as of that date is repealed.

3 *SEC. 4. Section 6141 of the Business and Professions Code is*
4 *amended to read:*

5 6141. (a) The board shall fix the annual license fee for inactive
6 licensees at a sum not exceeding one hundred dollars (\$100). The
7 annual license fee for inactive licensees for ~~2025~~ 2026 is payable
8 on or before the first day of February of each year. The annual
9 license fee for active licensees is payable on or before the date set
10 by the State Bar, which shall not be less than 12 months from the
11 prior year's due date.

12 (b) An inactive licensee shall not be required to pay the annual
13 license fee for inactive licensees for any calendar year following
14 the calendar year in which the licensee attains 70 years of age.

15 (c) This section shall remain in effect only until January 1, ~~2026~~,
16 2027, and as of that date is repealed.