



# The State Bar *of California*

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## **OPEN AGENDA OCTOBER 2019 COMMITTEE OF BAR EXAMINERS ITEM O-102**

### OPEN SESSION MINUTES

#### THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA

August 23, 2019

State Bar of California Offices  
180 Howard Street  
San Francisco, California

A meeting of the Committee of Bar Examiners of The State Bar of California convened in open session at 9:05 a.m., Friday, August 23, 2019, in a meeting room at the State Bar offices in San Francisco, James P. Fox, Chair, presiding. Officers and members present were: James P. Fox, Chair, Esther P. Lin, Vice-Chair, Angeli O. Agatep, M.D., James A. Bolton, Ph.D., Robert S. Brody, Alex H. Chan, James H. Efting, Judith K. Gillespie, Kareem Gongora, Michael A. Iseri, Larry Kaplan, Paul A. Kramer, Bethany J. Peak, Vincent Reyes, Judge Shelly B. Torrealba, David A. Torres, and Patricia M. Villalobos, Members. Member Alexander C. Lawrence, Jr. entered the meeting at 11:25 a.m. Member Dolores Heisinger was absent. State Bar staff members in attendance were: Leah Wilson, Executive Director; Donna Hershkowitz, Chief Programs Office; Vanessa Holton, General Counsel; Amy C. Nuñez, Director III, Admissions; Mark Torres-Gil, Assistant Director, Admissions; Lisa Cummins, Program Manager III, Christina Doell, Program Manager I; Tammy Campbell, Program Manager I; Tara Clark, Program Manager I; Natalie Leonard, Principal Program Analyst; David Lane, Attorney; Kim Wong, Administrative Supervisor; Destie Overpeck, Attorney III; Caroline Holmes, Attorney II; Ron Pi, Principal Program Analyst; Eli Wallach, Program Analyst; and Joanna Mendoza, Board of Trustee Member. Also in attendance were: Marna Anning, Dean Greg Brandes, Dean Jackie Gardina, Jorge Hernandez, Dean Brian Purtill, Dean Ira Spiro, Dean Timothy Weimer, and Dean Elizabeth Xyr. The open session portion of the meeting concluded at approximately 11:05 a.m. at which time the Deans and guests left the meeting. The meeting went into closed session at approximately 11:15 a.m. and concluded at 12:35 p.m. The meeting reconvened into open session at 1:20 p.m. and concluded at 1:25 p.m. at which time the meeting went into the closed session. The meeting adjourned at 2:55 p.m.

## PUBLIC COMMENT

*Marna Anning:* Ms. Anning, applicant, expressed concerns pertaining to the registration, transparency, and abnormality of the California Bar Examination.

### RECOGNITION OF OUTGOING OFFICER AND MEMBERS

It was by common consent agreed that the Committee's gratitude be extended to outgoing Committee Chair James Fox and members David Torres, Dolores Heisinger and Judith Gillespie for their service on the Committee and that the following citations be prepared and presented to them:

This citation is presented to James P. Fox by the Committee of Bar Examiners of the State Bar of California in recognition of his outstanding service as Committee Chair during the 2018-2019 Committee Year and his distinguished service to the legal profession in California.

This citation is presented to David A. Torres by the Committee of Bar Examiners of the State Bar of California in recognition of his retirement from the Committee of Bar Examiners after four years of service and his distinguished service to the legal profession in California.

This citation was prepared for Dolores Heisinger by the Committee of Bar Examiners of the State Bar of California in recognition of her retirement from the Committee of Bar Examiners after four years of service and her distinguished service to the legal profession in California.

This citation is presented to Judith Gillespie by the Committee of Bar Examiners of the State Bar of California in recognition of her retirement from the Committee of Bar Examiners after one year of service and her distinguished service to the legal profession in California.

### RECOGNITION OF RETIRING COMMITTEE COUNSEL AND ASSISTANT DIRECTOR

It was by common consent agreed that the Committee's gratitude be extended to outgoing Committee Counsel Destie Overpeck and Mark Torres-Gil, Assistant Director, Office of Admissions for their service on the Committee and that the following citations be prepared and presented to them:

This citation is presented to Destie Overpeck by the Committee of Bar Examiners of the State Bar of California in recognition of her service as the Committee of Bar Examiners' Counsel since April 2016 and her distinguished service to the legal profession in California.

This citation is presented to Mark Torres-Gil by the Committee of Bar Examiners of the State Bar of California in recognition of his service as the State Bar of California's Assistant Director for Admissions since December 2018 and his distinguished service to the legal profession in California.

#### JUNE 21, 2019 COMMITTEE OF BAR EXAMINERS PUBLIC MEETING MINUTES

It was moved, seconded and duly carried that the minutes taken during the public session of the meeting on June 21, 2019, be approved.

Moved by Brody, seconded by Torres.

#### MAY AND JUNE 2019 KEY STATISTICAL INDICATORS

It was by common consent agreed that the May and June 2019 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

#### SCHEDULE FOR OCTOBER 18, 2019 COMMITTEE MEETING

It was by common consent agreed that the schedule for the October 18, 2019 Meeting, which will be held at the State Bar of California Offices in Los Angeles, California, be received and filed.

#### 2020 SCHEDULE OF COMMITTEE MEETINGS

It was by common consent agreed that the 2020 Schedule of the Committee meetings be received and filed.

#### PRESENTATION ON CALIFORNIA ATTORNEY PRACTICE ANALYSIS PRELIMINARY FINDINGS

It was by common consent agreed that the Committee's appreciation be extended to Ron Pi, Principal Program Analysis, and Eli Wallach, Program Analysis, for their presentation on California Attorney Practice Analysis Preliminary Findings.

## **EXAMINATIONS**

### **2018 – 2019 EXAMINATIONS GOALS AND ACCOMPLISHMENTS**

It was by common consent agreed that the 2018 – 2019 Examinations goals and accomplishments be approved.

## **OPERATIONS AND MANAGEMENT**

### **2018 – 2019 OPERATIONS AND MANAGEMENT GOALS AND ACCOMPLISHMENTS**

It was by common consent that the 2018 – 2019 Operations and Management goals and accomplishments be approved.

## **EDUCATIONAL STANDARDS**

### **DECISION ON SAN FRANCISCO LAW SCHOOL REQUEST FOR MAJOR CHANGE – CAMPUS MOVE**

It was moved, seconded and duly carried that the Major Change request from San Francisco Law School seeking permission to move its campus from One Beach Street, San Francisco to 1475 66<sup>th</sup> Street, Emeryville, California effective November 4, 2019 be received, filed and granted, subject to a video call or visit to confirm the successful completion of the move within 90 days after completion of the move. The school is encouraged to monitor the timeline and make any adjustments necessary to ensure a successful move that limits disruption to the J.D. program.

Moved by Torres, seconded by Brody.

### **DECISION ON THE SANTA BARBARA AND VENTURA COLLEGES OF LAW WAIVER TO TEACH COURSES OFF-CAMPUS**

It was moved, seconded and duly carried that the Major Change request received from Santa Barbara and Ventura Colleges of Law under Rules 4.164 and 4.165(F) seeking approval and ratification of the decision to teach a summer 2019 session of courses on the topics of Estates, Community Property and Negotiations at the Chicago School of Professional Psychology in Irvine, California more than fifty-five miles from the school's campuses be received, filed and granted.

Moved by Torres, seconded by Brody.

### **REPORT ON MINIMUM, CUMULATIVE BAR PASSAGE RATES FOR CALIFORNIA ACCREDITED LAW SCHOOLS**

It was moved, seconded and duly carried that the Report on Submission of California Accredited Law Schools 2019 Annual Minimum Cumulative Bar Examination Pass Rates be

received and filed; that the 2019 Minimum Cumulative Bar Examination pass rates by school be authorized for publication and updated, if necessary, when the 2019 MPR for the Southern California Institute of Law is verified; and that staff be directed to schedule telephonic inspections of Pacific Coast University and Southern California Institute of Law within sixty days to allow the schools to provide any information or clarification it wishes to add regarding its compliance with the MPR requirement.

Moved by Torres, seconded by Brody.

#### **NOTICE OF NEW ADMINISTRATORS AT REGISTERED AND ACCREDITED LAW SCHOOLS**

It was by common consent agreed that the notices from John F. Kennedy University School of Law of the appointment of Lisa Hutton as Acting Dean; from Trinity Law School of the appointment of Myron Steeves as Interim Dean; from California Southern University School of Law of the appointment of Ellie Shefi as Interim Dean; from Peoples College of Law of the appointment of Brian Godfrey as Registrar; and from California Desert Trial Academy (CDTA) College of Law of the change of name of its corporate ownership entity from LawTalk MCLE, Incorporated to CDTA College of Law, Incorporated be received and filed.

#### **2018-2019 EDUCATIONAL STANDARDS GOALS AND ACCOMPLISHMENTS**

It was by common consent agreed that the 2018 – 2019 Educational Standards goals and accomplishments be approved.

#### **MORAL CHARACTER**

##### **GUIDELINES FOR CONDUCTING ADMINISTRATIVE REVIEWS AND ADVERSE DETERMINATIONS OF MORAL CHARACTER BY THE COMMITTEE OF BAR EXAMINERS**

It was moved, seconded and duly carried that the “Procedures Regarding Requests for Administrative Review by the Committee of Bar Examiners of Adverse Determinations of Moral Character” in the form below, be approved and filed.

##### **PROCEDURES REGARDING REQUESTS FOR ADMINISTRATIVE REVIEW BY THE COMMITTEE OF BAR EXAMINERS OF ADVERSE DETERMINATIONS OF MORAL CHARACTER**

- A. An applicant notified of an adverse determination of moral character by staff may file a written request for administrative review by the Committee of Bar Examiners (“Committee”) within 30 (thirty) days of the date of the notice of the State Bar’s determination.
- B. The request for administrative review must be sent to:

Moral Character Determinations Unit  
Office of Admissions  
The State Bar of California  
180 Howard Street  
San Francisco, CA 94105  
ATTN: PROGRAM MANAGER, MORAL CHARACTER DETERMINATIONS

- C. An applicant's request for administrative review by the Committee must contain a concise statement (1) describing the applicant's relevant background and the moral character issues raised by staff, (2) expressing the reasons why the determination by staff should be reviewed, and (3) describing the applicant's rehabilitative efforts.
- D. Upon receipt of the request for administrative review, the Program Manager, Moral Character Determinations, will promptly deliver to the Chair of the Moral Character Subcommittee the applicant's request for administrative review, a complete copy of applicant's moral character application, and a copy of the informal conference recording.
- E. The Chair of the Moral Character Subcommittee ("Subcommittee") will designate a panel of two members of the Moral Character Subcommittee or of the Committee of Bar Examiners if members of the Moral Character Subcommittee are unavailable (the panel") to conduct a review of the record. One of the members of the panel will be a licensee of the State Bar of California. The panel will consider the entirety of the record including the informal conference recording, if any, and any supplemental material the applicant may provide.
- F. Within sixty (60) days of receipt of the request for review the panel will review the record. The panel may request additional information from the applicant or the State Bar's Moral Character unit. Administrative reviews by the Committee are intended to be limited to a review of the record. In exceptional circumstances, however, the panel may conduct another informal conference with the applicant. One member of the panel will be selected by the panel as the lead interviewer. The Moral Character Determinations unit will facilitate and coordinate any informal conferences initiated by the panel. The Program Manager, Moral Character Determinations unit, may attend any informal conference initiated by the panel. Informal conferences conducted by staff or by the Committee will be audio or video recorded.
- G. The panel will present its findings and recommendation to the Committee for determination at the next regularly scheduled meeting of the Committee. The Committee may adopt the findings and recommendation of the panel or take any other action it deems appropriate.

- H. Within 15 days of the Committee's determination, the Program Manager, Moral Character Determinations, will notify the applicant of the Committee's determination. Notices of denials of good moral character must be sent to applicants by certified mail with proof of service.
- I. These guidelines and procedures also apply to applicant requests for review by the Committee of staff decisions to abandon an application (*Admissions Rule*, Rule 4.43) and staff decisions to deny an applicant's request for an extension of a moral character determination (*Admissions Rule*, Rule 4.52) subject to the specific filing requirements provided by these rules and with the exception of Guideline F, above, as it refers to informal conferences.

An applicant notified of an adverse determination of moral character by the Committee may file a request for hearing on the determination with the State Bar Court pursuant to the applicable Admissions Rules (*Admissions Rules*, rule 4.47) and the Rules of Procedure of the State Bar (*Rules Proc. of the State Bar*, rule 5.460 et seq.).

Moved by Kramer, seconded by Torres.

#### 2018-2019 MORAL CHARACTER GOALS AND ACCOMPLISHMENTS

It was by common consent agreed that the 2018 – 2019 Moral Character goals and accomplishments be approved.

#### ADJOURNMENT

Having concluded all the business scheduled for consideration during the open and closed sessions of the meeting, the meeting was adjourned at 2:55 p.m., Friday, August 23, 2019.