



# The State Bar *of California*

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## **DRAFT** **OPEN MINUTES**

### EMERGENCY AND SPECIAL CONFERENCE CALL MEETING

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

March 30, 2020

An emergency and special conference call meeting of the Committee of Bar Examiners of The State Bar of California convened in open session at 12:15 p.m. on Monday, March 30, 2020. Robert S. Brody, Chair, presiding. Officers and members present were: Robert S. Brody, Chair, Esther P. Lin, Vice-Chair, Angeli O. Agatep, M.D., Alex H. Chan, James H. Efting, Kareem Gongora, Dolores Heisinger, Michael A. Iseri, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Bethany J. Peak, Vincent Reyes, Judge Shelly B. Torrealba, and David A. Torres, Members. Members James A. Bolton, Ph.D. and Patricia M. Vilallobos were absent. State Bar staff members in attendance were: Donna Hershkowitz, Interim Executive Director/Chief of Programs; Amy C. Nuñez, Director III, Admissions; Audrey Ching, Assistant Director, 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; Kim Wong, Administrative Supervisor; Caroline Holmes, Attorney II; Kenneth Holloway, Attorney III; Suzanne Grandt, Attorney IV. The open session adjourned at 3:30 p.m. The meeting went into closed session at 3:30 p.m. The meeting adjourned at 4:30 p.m.

### **PUBLIC COMMENTS**

The Committee of Bar Examiners received 59 public comments pertaining to the upcoming July 2020 California Bar Examination. Total duration of public comment was two hours and 30 minutes.

### **EMERGENCY MEETING**

#### **ACTION ON VOTE TO CONVENE AN EMERGENCY MEETING** **(CONVENED PURSUANT TO GOV'T CODE § 11125.5)**

It was moved, seconded and duly carried that the Committee of Bar Examiners convened the emergency meeting due to the existence of an emergency situation in the form the global COVID-19 pandemic.

Moved by Chan, seconded by Iseri.

The motion passed. Roll call vote:

Agatep – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – no

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

Torrealba –yes

Torres – yes

EMERGENCY WAIVER FROM PEOPLES COLLEGE OF LAW AND GENERAL EMERGENCY  
WAIVER FOR ACCREDITED AND UNACCREDITED LAW SCHOOLS TO TEACH CLASSES ONLINE  
DUE TO THE COVID-19 CRISIS EMERGENCY WAIVER OF ACCREDITED GUIDELINE 2.7(A)(2)

It was moved, seconded and duly carried that any accredited or unaccredited law school in California, including Peoples College of Law, may transfer classroom courses to online delivery retroactive to March 9, 2020 and continuing through August 31, 2020, choosing synchronous options when possible, coupled with academic and technical support. During this period, the portions of Accredited Guideline 2.7(A)(2) and Unaccredited Guideline 2.9(B)(2) limiting pass-fail grading are waived and schools may, at their discretion, implement pass-fail grading so long as students continue to receive individualized assessment of their progress, and the revised system includes a method to evaluate whether a law student is academically qualified to continue in the JD program. Unaccredited law schools must also meet the requirements set forth in California Business & Professions Code section 6060(e), which cannot be waived by the Committee. Schools may adjust syllabi to effectuate these changes, in accordance with applicable Rules and Guidelines, except as stated herein. The Committee further acknowledges that schools may be required to respond to legally required orders from local, state or federal authorities to preserve health and safety, and that schools will comply while maintaining the integrity of the JD degrees that they confer. The law schools should provide written notice to the Office of Admissions as soon as practical to advise of any such changes taken under the authority of this motion, and should include copies of communications to students regarding any changed policies, including revised syllabi. The Committee is taking these steps to allow accredited and unaccredited law schools to serve students already in attendance whose schooling has been interrupted by the health crisis related to COVID-19. The attached Guidance Memorandum should be distributed to all accredited and unaccredited law schools to inform them of this guidance.

Moved by Torres, seconded by Kaplan.

The motion passed. Roll call vote:

Agatep – yes  
Chan – yes  
Efting – yes  
Gongora – yes  
Heisinger – yes  
Iseri – yes  
Kaplan – yes  
Kramer – no  
Lawrence – yes  
Lin – yes  
Peak – yes  
Reyes – yes  
Torrealba –yes  
Torres – yes

It was moved, seconded and duly carried that any accredited or unaccredited law school in California, including Peoples College of Law, may transfer classroom courses to online delivery retroactive to March 9, 2020 and continuing through August 31, 2020 choosing synchronous options when possible, coupled with academic and technical support.

Moved by Torres, seconded by Heisinger.

The motion passed. Roll call vote:

Agatep – yes  
Chan – yes  
Efting – yes  
Gongora – yes  
Heisinger – yes  
Iseri – yes  
Kaplan – yes  
Kramer – abstain  
Lawrence – yes  
Lin – yes  
Peak – yes  
Reyes – yes  
Torrealba –yes  
Torres – yes

It was moved, seconded and duly carried that During this period, the portions of Accredited Guideline 2.7(A)(2) and Unaccredited Guideline 2.9(B)(2) limiting pass-fail grading are waived and schools may, at their discretion, implement pass-fail grading so long as students continue to receive individualized assessment of their progress, and the revised system includes a method to evaluate whether a law student is academically qualified to continue

in the JD program. Unaccredited law schools must also meet the requirements set forth in California Business & Professions Code section 6060(e), which cannot be waived by the Committee. Schools may adjust syllabi to effectuate these changes, in accordance with applicable Rules and Guidelines, except as stated herein.

Moved by Kaplan, seconded by Torres.

The motion passed. Roll call vote:

Agatep – yes  
Chan – yes  
Efting – yes  
Gongora – yes  
Heisinger – yes  
Iseri – yes  
Kaplan – yes  
Kramer – no  
Lawrence – no  
Lin – no  
Peak – yes  
Reyes – yes  
Torrealba – yes  
Torres – yes

### **SPECIAL MEETING**

#### ACTION ON VOTE TO CONVENE A SPECIAL MEETING (CONVENED PURSUANT TO GOV'T CODE § 11125.4(A)(6))

It was moved, seconded and duly carried that the Committee of Bar Examiners convened the special meeting. A finding was adopted that, due to the rapidly-evolving public health crisis caused by COVID-19, and in order to protect the public's interest with respect to the Committee's role in ensuring that only those applicants that are appropriately certified for admission are licensed to practice law in this state, immediate action is required to protect the public interest.

Moved by Torres, seconded by Heisinger.

The motion passed. Roll call vote:

Agatep – yes  
Chan – yes  
Efting – yes  
Gongora – yes  
Heisinger – yes  
Iseri – yes  
Kaplan – yes  
Kramer – no

Lawrence – yes  
Lin – yes  
Peak – yes  
Reyes – yes  
Torrealba –yes  
Torres – yes

MORAL CHARACTER FILING DEADLINES UNDER ADMISSIONS RULES 4.41 AND 4.43

It was moved, seconded and duly carried that the Committee Bar Examiners allow applicants: 1) ninety (90) days from the date of submission of a moral character application or an extension application to provide completed fingerprints; 2) ninety (90) days from the date of the incomplete notice to provide the necessary information and documentation; and 3) grant the Program Manager for Moral Character Determinations permission to allow submission of the aforementioned documents past the ninety (90) day mark if good cause is demonstrated.

Moved by Torres, seconded by Heisinger.

The motion passed. Roll call vote:

Agatep – yes  
Chan – yes  
Efting – yes  
Gongora – yes  
Heisinger – yes  
Iseri – yes  
Kaplan – yes  
Kramer – abstain  
Lawrence – yes  
Lin – yes  
Peak – yes  
Reyes – yes  
Torrealba –yes  
Torres – yes

ADJOURNMENT

Having concluded all the business scheduled for consideration during the open and closed sessions of the meeting, the meeting was adjourned at 4:30 p.m., Monday, March 30, 2020.