

**DRAFT**  
**PUBLIC MINUTES**

THE COMMITTEE OF BAR EXAMINERS

OF

THE STATE BAR OF CALIFORNIA

December 1 and 2, 2017

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 12:30 p.m., Friday, December 1, 2017, in a meeting room at the State Bar offices in San Francisco, Erika Hiramatsu, Chair, presiding. Officers and members present were: Erika Hiramatsu, Chair, David A. Torres, Vice-Chair, Angeli O. Agatep, M.D., James A. Bolton, Ph.D., Robert S. Brody, James H. Efting, Dolores Heisinger, Karen M. Goodman, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Esther P. Lin, Bethany J. Peak, Larry Sheingold, and Lee H. Wallach, Members. Members Alex H. Chan and Patricia M. Villalobos were absent. State Bar staff members in attendance were: Gayle E. Murphy, Director III, Admissions; Amy C. Nuñez, Director I, Admissions; George C. Leal, Program Manager II, Educational Standards; Lisa Jeong Cummins, Program Manager III, Examinations; Greg S. Shin, Program Manager III, Operations and Management; Mark Torres-Gil, Program Manager III, Moral Character Determinations; Kim Wong, Administrative Supervisor; and Destie Overpeck, Assistant General Counsel. Also in attendance were: Former Committee Chair Alan S. Yochelson, Dean Ira Spiro, Dean Mitch Winick, Dean Jackie Gardina, and Dean Greg Brandes. The open session portion of the meeting concluded at approximately 1:05 p.m., at which time the Committee meeting went into closed session and the session concluded at approximately 1:55 p.m. The Committee's subcommittees convened its meetings immediately following the conclusion of the closed session. The Committee meeting reconvened into closed session at 9:05 a.m. on Saturday, December 2, 2017. All Committee members and staff who were in attendance on Friday were present on Saturday, except Destie Overpeck. Also in attendance were members of the Examination Development and Grading (EDG) Team: Amy Gee, David Kelley, Kathy Meola, Laura Meyers, Amanda Roze, and Paul Webb. The closed session concluded at 10:00 a.m. and went into open session, at which time the EDG Team left the meeting and State Bar Executive Director, Leah Wilson, entered the meeting. The meeting went into closed again at 11:00 a.m. and the meeting adjourned at 11:15 a.m.

**PRESENTATION ON BAGLEY KEENE**

It was by common consent agreed that the Committee's appreciation be extended to Destie Overpeck, Assistant General Counsel, for her presentation on the Bagley Keene Open Meeting Act.



**RECOGNITION OF RETIRING ADMISSIONS DIRECTOR**

It was moved, seconded and unanimously carried that the service of retiring Director for the State Bar's Office of Admissions, Gayle Murphy, be recognized and that a certificate be prepared and presented to her acknowledging her 37 years of outstanding service on behalf of the Committee.

**OCTOBER 13 AND 14, 2017 COMMITTEE MEETING PUBLIC MINUTES**

It was moved, seconded and duly carried that the minutes taken during the public session of the meetings on October 13 and 14, 2017, be approved.

**OCTOBER 2017 KEY INDICATORS**

It was by common consent agreed that the October 2017 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

**SCHEDULE FOR FEBRUARY 2 AND 3, 2018 COMMITTEE MEETING**

It was by common consent agreed that the schedule for the February 2 and 3 Meeting, which will be held at the State Bar of California Offices in Los Angeles, California, be received and filed.

**PSYCHOLOGICAL INTERVENTIONS PROJECT**

It was by common consent agreed that a status report on the Psychological Interventions Project, which may be introduced in connection with administration of the July 2017 California Bar Examination, be prepared and presented to the Committee during its February 2018 meeting.

**SUBCOMMITTEE ON EXAMINATIONS**

**REPORT TO THE SUPREME COURT ON THE  
JULY 2017 CALIFORNIA BAR EXAMINATION**

It was moved, seconded and duly carried that draft Supreme Court Report on the July 2017 California Bar Examination be finalized and submitted to the Court.

**ANALYSIS OF THE JULY 2017 GENERAL BAR EXAMINATION  
PREPARED BY ROGER BOLUS, PH.D.**

It was moved, seconded and duly carried that the Analysis of the July 2017 General Bar Examination, which will be prepared by Dr. Bolus, be approved for inclusion in the Report to the Supreme Court on this particular examination and otherwise authorized for publication.



**CONDUCTING CLOSED SESSION SUBCOMMITTEE MEETINGS  
BETWEEN REGULAR MEETINGS UNDER BAGLEY KEENE**

It was by common consent agreed that the issue of whether the Subcommittee on Examinations may continue to conduct closed session conference call meetings to discuss pending testing accommodation appeals that must be considered between regular meetings of the Committee and in connection with upcoming administrations of examinations be referred to the Office of General Counsel for advice.

**2017 – 2018 SUBCOMMITTEE GOALS**

It was by common consent agreed that the 2017 – 2018 goals for the Subcommittee on Examinations be approved.

**SUBCOMMITTEE ON OPERATIONS AND MANAGEMENT**

**2018 PRELIMINARY ADMISSIONS FUND BUDGET**

It was moved, seconded and duly carried that the 2018 preliminary budget for Admissions, which was adopted by the Board of Trustees, be received and filed.

**SEPTEMBER 30, 2017 FINANCIAL ANALYSIS REPORT  
AND SUMMARY OF COSTS ASSOCIATED WITH SPECIAL  
EXAMINATION STUDIES CONDUCTED IN 2017**

It was moved, seconded and duly carried that the Financial Analysis Report as of September 30, 2017 for the Admissions Fund be received and filed and that staff be directed to prepare and present at the Committee's next meeting a summary of the costs associated with the special examination studies that were conducted in 2017

**JULY 2017 CALIFORNIA BAR EXAMINATION COST ANALYSIS  
AND EXAMINATION "NO-SHOWS"**

It was moved, seconded and duly carried that the report on costs for administering the July 2017 California Bar Examination be received and filed and that staff continue to review what actions may be taken in response to the number of applicants who do not show up to take the examination and report back to the Committee at a future meeting.

**PROPOSED AMENDMENTS TO ADMISSIONS RULES RE  
OPEN/CLOSED MEETING RULES AND IMPLEMENTATION OF  
BAGLEY-KEENE JANUARY 1, 2018**

It was moved, seconded and duly carried that the following proposed amendments to Title 4, Division, 1, Chapter 1, of the Rules of the State Bar of California that will eliminate Rule 4.11 be adopted and that the proposed amendments be forwarded to the Board of Trustees for approval.



~~Rule 4.11 Meetings of the Committee~~

~~(A) Open meeting policy~~

~~Meetings of Committee are open to the public unless closed pursuant to the grounds provided below. Meeting space for members of the public may be limited and the State Bar is not obligated to provide seating for all members of the public in attendance.~~

~~(B) Location of meetings~~

~~Meetings of Committee should be held in California. Meetings may be held outside of California in special circumstances when approved by the Executive Director or his or her designee.~~

~~(C) Notice, late items, and emergency meetings~~

~~(1) Notice of regular and special meetings of the Committee must be posted on the State Bar's website no fewer than five days before the meeting. The notice must include the date and place of the meeting, the agenda, and the starting time.~~

~~(2) No item may be added to an agenda after the five-day notice period and no meeting may be called without notice except in an emergency. An emergency means those circumstances that call for immediate action before the next regular meeting of the Committee. If an emergency can be resolved by unanimous consent without discussion, the board-appointed body may act by fax poll, e-mail, or other electronic means without meeting. A report of action taken in emergencies must be made at the next regular meeting and indicated on its agenda.~~

~~(D) Closed sessions~~

~~The Committee and State Bar staff and others who are reasonably necessary for consideration of a closed session matter may attend the closed session at the discretion of the Committee's chair to discuss, deliberate, or take action upon any of the following: (1) pending or prospective litigation;~~

~~(2) matters designated confidential by the Committee's charge, these rules, or otherwise by law;~~

~~(3) matters related to the moral character, competence, or physical or mental health of an individual;~~

~~(4) allegations of criminal or professional misconduct;~~

~~(5) applications, petitions, requests, investigations, opinions, complaints, recommendations, or reports regarding matters delegated to the Committee by law or the Board of Trustees;~~

~~(6) proposals, negotiations, or discussions related to contractual, labor, business, or legislative matters;~~

~~(7) matters related to the development, administration, or grading of an examination;~~

~~(8) matters related to laws school regulated by the Committee that involve individual students or information related to a law school's operations that is not~~



~~generally known or reasonably ascertainable by others, and by which another law school or others could obtain an advantage over the law school; or (9) matters relating to internal management of the Committee.~~

### 2017 – 2018 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2017 – 2018 goals for the Subcommittee on Operations and Management be approved.

### SUBCOMMITTEE ON EDUCATIONAL STANDARDS

#### MCMILLAN ACADEMY OF LAW – PERIODIC INSPECTION REPORT

It was moved, seconded and duly carried that the Periodic Inspection Report of the inspection of the McMillan Academy of Law (MAOL), conducted on May 9, 2017, be received and filed; that a Notice of Noncompliance as attached to these minutes as “Item 1” be issued to the law school pursuant to Rule 4.260 of the Unaccredited Law School Rules; and that MAOL be directed to submit an appropriate response and associated fee within fifteen (15) days after its receipt of the Notice.

#### SOUTHERN CALIFORNIA INSTITUTE OF LAW – PERIODIC INSPECTION REPORT

It was moved, seconded and duly carried that the Periodic Inspection Report of the inspection of Southern California Institute of Law (SCIL) conducted March 27 and 28, 2017 by an Inspection Team (Team) comprised of Committee of Bar Examiners member Larry Sheingold, Sandra L. Brooks, Dean and President of the Cal Northern School of Law and Greg S. Shin, Program Manager, Operations and Management, Office of Admissions, be received and filed; that the response submitted by Dean Stanislaus Pulle, dated November 14, 2017 on behalf of the law school be received and filed; that the mandatory and suggested compliance recommendations made in the Report be adopted; that the law school be required to submit with its 2018 Annual Compliance Report a narrative discussion to confirm all efforts and actions to address and correct the mandatory and suggested compliance recommendations made in the Report; that accreditation of SCIL be continued; that the matter of the school’s continued accreditation in light of its bar passing percentages be further reviewed by the Committee in connection with the reactivation of enforcement of the bar passage accreditation standard; and that the date of the next periodic inspection not be determined at this time.

### NOTICE OF CHANGES IN LAW SCHOOL ADMINISTRATORS

It was by common consent agreed that the notices from: 1) Abraham Lincoln University and School of Law of the appointments of Jessica Park as Dean and Dr. Robert Abel, Jr., Ph.D. as Chief Academic Officer, effective November 20, 2017; 2) Irvine University College of Law of the appointment of Edward Trend as Interim Dean, effective December 31, 2017, be received and filed.



IMPLEMENTATION OF REACTIVATION OF MINIMUM BAR PASSAGE  
RATE ACCREDITATION STANDARD

It was moved, seconded and duly carried that the temporary suspension of Guidelines 12.1 and 12.2 of the *Guidelines for Accredited Law School Rules* be lifted; that the date for submission of the law school Minimum Pass Rate reports for the reporting periods of August 1, 2010 through July 31, 2015 and August 1, 2011 through July 31, 2016 be sixty (60) days from the date the Committee determines exactly which California Accredited Law School graduates should be included in the reports; and, that this matter be further considered by the Committee during its February 2018 meeting.

2017 – 2018 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2017 – 2018 goals for the Subcommittee on Educational Standards be approved.

SUBCOMMITTEE ON MORAL CHARACTER

PROPOSED DELEGATION OF AUTHORITY RE APPLICANTS REFERRED  
TO LAP WHO COMPLETE ABEYANCE EARLY

It was moved, seconded and duly carried that staff be delegated the authority to administratively clear moral character determination applicants, which would result in a positive determination, when an applicant receives a significant insight letter prior to participating for the full term required by the Committee and to administratively clear those applicants who are denied acceptance into the program because he or she is found not to have a substance-related disorder, provided that no further incidents that would call into question an applicant's good moral character have arisen since the date of the Committee's initial action.

PROPOSED AMENDMENTS TO ADMISSIONS RULES RE  
QUALIFICATION OF OUT-OF-STATE ATTORNEY APPLICANTS  
TO FILE MORAL CHARACTER DETERMINATION APPLICATIONS –  
RETURN FROM PUBLIC COMMENT

It was moved, seconded and duly carried that following publication for comment during which no comments were received, that the following proposed amendment to Rule 4.41 of the *Admissions Rules* be adopted; and that the proposed amendment be forwarded to the Board of Trustees for approval:

**Rule 4.41 Application for Determination of Moral Character**

An applicant must submit an Application for Determination of Moral Character with required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. An attorney who is suspended for disciplinary reasons or disbarred, has resigned with disciplinary charges pending or is otherwise not in good standing for



disciplinary reasons in any jurisdiction may not submit an application.

#### 2017 – 2018 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2017 – 2018 goals for the Subcommittee on Moral Character 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 11:15 a.m., Saturday, December 2, 2017.