

**COMMITTEE OF BAR EXAMINERS (CBE)  
ADVISORY COMMITTEE ON  
CALIFORNIA ACCREDITED LAW SCHOOL RULES (RAC)  
MINUTES – DRAFT**

Thursday, June 21, 2018  
3:00 PM – 5:00 PM

The State Bar of California  
845 S. Figueroa Street  
Los Angeles, CA 90017

Meeting convened with these Members present: Dean Greg Brandes (Chair, RAC); Dean Dean Barbieri; Dean Jackie Gardina; Karen M. Goodman, Member, CBE; Esther P. Lin, Member, CBE.

Members not present: Erika Hiramatsu, Chair, CBE.

Staff Present: Donna Hershkowitz, Chief of Programs; Amy Nuñez, Interim Director of Admissions; Lita Abella, Senior Program Analyst, LAP; Lisa Cummins, Program Manager, Examinations; Christina Doell, Program Manager, Examinations; Mark Torres-Gil, Program Manager, Moral Character Determinations; Michelle Harmon, Program Supervisor, LAP; Natalie Leonard, Program Manager, Educational Standards; Destie Overpeck, State Bar Office of General Counsel; and David Knight, Program Specialist.

Participants During Public Comments Periods:

1. Call for Public Comment. [The Chair reserves the right to limit the duration of the public comment period] (Greg Brandes)

There were no public comments made during the Call for Public Comments.

2. Revised Draft Minutes of the Meeting of March 22, 2018 and Draft Minutes of the Meeting of May 03, 2018 (Attachment A and Attachment B) (Natalie Leonard and Greg Brandes)

Upon motion made by Jackie Gardina and seconded by Karen Goodman, all members present voted to approve the Revised Draft Minutes of the March 22, 2018 and May 3, 2018 RAC Draft Meeting Minutes.

3. Chair's Report. (Greg Brandes)

Greg Brandes, RAC Chair, waived the Chair Report.

4. Staff Update (Amy Nuñez, Natalie Leonard, Donna Hershkowitz, Lisa Cummins) may include:
  - Minimum Cumulative Bar Pass Rate (MPR) Compliance Update
  - Plan for reposting B & P Code 6061.7 disclosures with 2018 MPR calculations
  - Upcoming review of web communications for compliance with Guideline 2.3(D)(3)

- Timeline for Implementation of Rules and Guidelines allowing Accreditation of Distance-Learning Law Schools

Natalie Leonard reported that the California Accredited Schools had been sent their materials to report the Minimum Pass Rate (MPR) that they are required to file with the Bar by July 1, 2018. The Deans of the Schools present indicated that they felt they had been given all they needed to calculate their school's MPR.

Once the MPR's have been reported and verified, the schools will be asked to repost their Business and Professions Code 6061.7 statistical disclosure on their websites. An updated form will be distributed to the schools for this purpose. The proposed updated version of the 6061.7 template was presented at the meeting, including wording noting that the MPR was updated. Though this was presented to discuss the reporting of the MPR, staff indicated that the entire form would be reviewed to clarify the time periods used, clear use of definitions such as admitted versus enrolled, and the wording describing the bar passage rate. A final form will be created and issued to the schools later in the year. Guidance will be provided to both CALS and unaccredited law schools regarding the posting of this disclosure.

Natalie Leonard informed the RAC Committee Members that staff will be completing an audit for the compliance with Guideline 2.3(D)(3) to ensure that all Accredited and Registered, Unaccredited Law School websites include the specific wording that is required to be posted in various locations under Guidelines. Schools are encouraged to review this and all requirements as they prepare their annual reports.

Amy Nuñez gave an update on the status of the Rules and Guidelines allowing Accreditation of Distance-Learning Law Schools, which are under review by the Office of General Counsel. It is hoped that a substantive update and timeline can be presented to the CBE at its August 2018 meeting. Exact timing would depend on the types of questions that arise during the review of the application by the CBE and the Board of Trustees, as well as through feedback from law schools, the students and the public. Comments have been received from law schools, and additional comments and questions are welcome.

5. Protection of Trade Secrets When Complying With The Unaccredited Law School Rules and Guidelines for Unaccredited Law School Rules (Destie Overpeck)

Destie Overpeck presented information about the state of the law with respect to the definition of trade secrets.

6. Possible Revision of Guideline 4.7(C)(1) to Require Yearly Evaluations for New Faculty (Natalie Leonard)

Natalie Leonard sought informal feedback from the RAC regarding Guideline 4.7 Evaluation of Instructors, which currently requires annual evaluations for new faculty and further evaluations at least every three years. The Committee was seeking preliminary information to determine what logistical and financial effort would be involved if the reviews were required to take place more frequently. Law School Deans indicated several factors to consider before requiring an increase in the frequency of evaluation. The schools indicated that further evaluations would increase costs that would be passed on to students. They also indicated that some professors may not teach every year, or for the full school year, so annual evaluations might be based on little data. At least one school mentioned that it is difficult and expensive to engage sufficient skilled evaluators to greatly increase the frequency of review in a short time frame. Still others suggested that faculty evaluations were not needed because the schools already collect student evaluations and conduct development activities every year. This preliminary feedback will be

shared with the Committee to be used to help decide whether any changes to this guideline will be considered further.

6. 2018 RAC Goals Check-in (Attachment C) (Greg Brandes)

The Chair commented that as of this meeting, goal number two has been addressed. Goals number one and four are still being worked on for completion. There were no new Goals added.

7. Adjourn

A motion to adjourn was made by Dean Dean Barbieri, seconded by Esther P. Lin and passed unanimously.

The next RAC meeting will be on August 23, 2018 starting at 3:00 p.m. in the State Bar offices in San Francisco.

The meeting adjourned at approximately 3:54 PM.

**LAW SCHOOL COUNCIL MEETING**  
**Draft of Minutes**

Thursday, June 21, 2018

The State Bar of California  
845 S. Figueroa Street  
Los Angeles, CA 90017

A meeting of the Law School Council (LSC) of The State Bar of California convened in open session Thursday, June 21, 2018, in a meeting room at the State Bar offices in Los Angeles, Mitchel L. Winick, Chair, presiding.

Members present: Dean Mitchel L. Winick (Chair, LSC); Dean Lisa Kloppenberg; Dean Susan Westerberg Prager; Dean Robert K. Strouse; Karen M. Goodman, Member, CBE; and Esther P. Lin, Member, CBE.

Staff Present: Donna Hershkowitz, Chief of Programs; Amy Nuñez, Interim Director of Admissions; Lita Abella, Senior Program Analyst, LAP; Lisa Cummins, Program Manager, Examinations; Christina Doell, Program Manager, Examinations; Mark Torres-Gil, Program Manager, Moral Character Determinations; Michelle Harmon, Program Supervisor, LAP; Natalie Leonard, Program Manager, Educational Standards; Destie Overpeck, Attorney; and David Knight, Program Specialist.

Participants During Public Comments Periods: Dean Greg Brandes.

(A) Call for Public Comment and Chair's Report [The Chair reserves the right to limit the duration of the public comment period] (Mitchel L. Winick)

The meeting began at 1:15 p.m. It opened without a quorum, but no voting took place until a quorum was established. A Public Comment period was open, but there were no comments made.

Resignations were received from Dean Elizabeth Magill, Dean Scott McMillan and Dean Michael Mullins.

(B) Draft Minutes of the Meeting of February 1, 2018 (Attachment A) (Mitchel Winick & Natalie Leonard)

(C) Revisions to Council Composition and Meeting Schedule for Submission to the Committee of Bar Examiners (Attachment B and Attachment C) (Mitchel Winick, Amy Nuñez & Natalie Leonard)

The LSC voted to recommend to the Board of Trustees that the category of persons eligible to serve on the LSC as described in Law School Council Function and Procedures Section II - Composition and Term of Office; Subsection (A), be expanded to allow not only Deans as members, but also Vice Deans, Associate Deans and Former Deans. The proposal was made by Dean Kloppenberg and seconded by Dean Westerberg Prager. It passed unanimously. This

proposal will be advanced to the Committee of Bar Examiners and Board of Trustees for consideration and comment.

(D) Discuss the Appointment Process for Vacant Council Positions (Mitchel Winick, Amy Nuñez & Natalie Leonard)

The Council members discussed the new proposed wording of Law School Council Function and Procedures Section II - Composition and Term of Office; Subsection (D)(4) regarding alternative representatives and proxy representatives, but no proposal was offered at this time.

Staff will begin the process of collecting nominations for the vacancies on the LSC as soon as practical.

(E) Summary from the Law School Assembly Meeting (Mitchel Winick, Amy Nuñez & Natalie Leonard)

The Chair gave a brief summary of the Law School Assembly Meeting. Members asked for more information about the California Attorney Job Analysis Study, and whether or how law schools could participate. Karen Goodman agreed to research this and relay an update to the Council.

(F) Adjourn

The next meeting will take place on December 6, 2018 starting at 1:00 PM in the State Bar San Francisco Office. [Note: In the interim, a joint meeting with the Committee of Bar Examiners Advisory Committee on California Accredited Law School Rules was added on August 23, 2018, starting at 3:00 PM.

A motion to adjourn was made by Dean Westerberg Prager and seconded by Dean Kloppenberg. The motion passed unanimously.

The meeting adjourned at approximately 4:50 p.m.