

DRAFT
PUBLIC MINUTES

THE COMMITTEE OF BAR EXAMINERS

OF

THE STATE BAR OF CALIFORNIA

August 24, 2018

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 9:00 a.m., Friday, August 24, 2018, 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, James A. Bolton, Ph.D., Robert S. Brody, Alex H. Chan, James H. Efting, James P. Fox, Dolores Heisinger, Judith K. Gillespie, Kareem Gongora, Karen M. Goodman, Larry Kaplan, Alexander C. Lawrence, Jr., Esther P. Lin, Bethany J. Peak, and Patricia M. Villalobos, Members. Members Paul A. Kramer and Angeli O. Agatep, M.D. were absent. State Bar staff members in attendance were: Leah Wilson, Chief Executive Director; Donna Hershkowitz, Chief Programs Office; Amy C. Nuñez, Interim Director III, Admissions; Lisa Jeong Cummins, Program Manager III, Examinations; Mark Torres-Gil, Program Manager III, Moral Character Determinations; Natalie Leonard, Program Manager III; Christina Doell, Program Manager I; Tammy Campbell, Program Manager I; Kim Wong, Administrative Supervisor; Destie Overpeck, Attorney III; Joanna Mendoza, Board of Trustee Member; Richard Schauffler, Senior Program Analyst; and David Knight, Program Specialist. Also in attendance were: Dean Greg Brandes, Dean Michael Clancey, Dean Jackie Gardina, Dean Andrea Lua, Dennis Maio, Dean Brian Purtill, Dean Ira Spiro, Samantha Steed, Dean Mitch Winick, and Associate Dean Elizabeth Xyr. The open session portion of the meeting concluded at approximately 10:55 a.m., at which time the meeting went into closed session. The Committee meeting reconvened into open session at approximately 12:30 p.m. and the open session portion concluded at approximately 4:10 p.m., at which time members James Bolton and Alexander Lawrence left the meeting. The Committee meeting went into closed session at 4:10 p.m. and the meeting adjourned at 5:20 p.m.

PERFORMANCE TEST DRAFTING BASICS

It was unanimously agreed that the Committee's appreciation be extended to Dennis Miao for his presentation on performance test development basics.

RECOGNITION OF OUTGOING OFFICER AND MEMBER

It was moved, seconded and duly carried that the Committee's gratitude be extended to outgoing Committee Chair Erika Hiramatsu and member Karen Goodman for their

service on the Committee and that the following citations be prepared and presented to them:

This Citation is presented to Erika Hiramatsu by the Committee of Bar Examiners of The State Bar of California in recognition of her outstanding service as Committee Chair during the 2017-2018 Committee year and her retirement from the Committee of Bar Examiners and her distinguished service to the legal profession in California.

This Citation is presented to Karen Goodman 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.

JUNE 22 AND 23, 2018 COMMITTEE MEETING PUBLIC MINUTES

It was moved, seconded and duly carried that the minutes taken during the public session of the meetings on June 22 and 23, 2018, be approved.

APPENDIX I DISCUSSION: STAFF RECOMMENDATIONS FOR IMPROVED COMMUNICATION AND ENGAGEMENT WITH LAW SCHOOL DEANS AND OPTIONS FOR ACCREDITATION THROUGH WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES

It was moved, seconded and duly carried that the Committee of Bar Examiners (Committee) reject the proposal by staff to eliminate the Advisory Committee on California Accredited Law School Rules (RAC) and the Law School Council (LSC); to increase the communication between the State Bar and the law schools; that the Committee finds both the RAC and the LSC very useful to the Committee in carrying out its goals and obligations; that the below recommendations by staff concerning the law school accreditation and Western Association of Schools and Colleges (WASC):

Option I: In-House, Staff Led

The law school accreditation site inspections and responding to change requests conducted by staff, with the participation of the Committee be affirmed;

Option II: Outsource WASC

The law school accreditation site inspections and responding to change of request, review and respond to appeals conducted by WASC be rejected; and

That staff to report back to the Committee on the informed proposals based on the Committee's discussion.

2019 SCHEDULE OF COMMITTEE MEETINGS

It was by common consent agreed that the 2019 schedule of the Committee meetings be received and filed.

JUNE AND JULY 2018 KEY STATISTICAL INDICATORS

It was by common consent agreed that the June and July 2018 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

SCHEDULE FOR OCTOBER 19, 2018 COMMITTEE MEETING

It was by common consent agreed that the schedule for the October 19, 2018 Meeting, which will be held at the State Bar of California Offices in Los Angeles, California, be received and filed.

EXAMINATIONS

2017 – 2018 SUBCOMMITTEE GOALS AND ACCOMPLISHMENTS

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

OPERATIONS AND MANAGEMENT

FINANCIAL ANALYSIS REPORT AS OF MAY 31, 2018

It was by common consent agreed that the Financial Analysis report as of May 31, 2018 for the Admissions Fund be received and filed.

2017 – 2018 SUBCOMMITTEE GOALS AND ACCOMPLISHMENTS

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

EDUCATIONAL STANDARDS

**ABRAHAM LINCOLN UNIVERSITY SCHOOL OF LAW –
MAJOR CHANGE REQUEST: MOVE TO NEW FACILITY**

It was moved, seconded and duly carried that the major change request submitted pursuant to Rule 4.245, and as defined by Rule 4.246(B) of the Unaccredited Law School Rules by Abraham Lincoln University School of Law seeking ratification of its move from the prior location at 3530 Wilshire Blvd., Suite 1430 in Los Angeles to its current location at 100 W. Broadway, Suite 600 in Glendale be granted, and that the school be advised to fully comply with the applicable Rules and Guidelines in the future by submitting the request before proceeding with the move.

KERN COUNTY COLLEGE OF LAW: A BRANCH CAMPUS OF MONTEREY
COLLEGE OF LAW – MAJOR CHANGE REQUEST: MOVE TO NEW FACILITY

It was moved, seconded and duly carried that the request submitted pursuant to Rule 4.164, and as defined by Rule 4.165(B) of the Accredited Law School Rules by Monterey College of Law (MCL) seeking approval of a major change that would allow the school's Kern County of Law branch campus to relocate from its present location at 1112 Truxtun Ave to a new location at 1731 Chester Ave, Bakersfield effective August 1, 2018 be granted and filed, and that the school be advised to fully comply with the applicable Rules and Guidelines in the future by submitting the request before proceeding with the move.

CALIFORNIA DESERT TRIAL ACADEMY COLLEGE OF LAW
FIVE-YEAR PERIODIC INSPECTION REPORT

It was moved, seconded and duly carried that the Periodic Inspection Report of California Desert Trial Academy (CDTA) conducted February 13-14, 2018 by George Leal, former Program Manager of Educational Standards, be received and filed; that the response submitted by Dean John Patrick Dolan, dated June 16, 2018 and submitted on behalf of the law school be received and filed; that the mandatory compliance recommendations made in the Report be adopted; that the law school be required to report to the Committee in its next Annual Compliance Report all efforts to address each such recommendation; that the registration of CDTA be continued; and that its next periodic inspection be scheduled for the Fall of 2022, unless an earlier visitation is deemed necessary by the Committee.

EMPIRE COLLEGE SCHOOL OF LAW FIVE-YEAR
PERIODIC INSPECTION REPORT

It was moved, seconded and duly carried that the Periodic Inspection Report of Empire College School of Law (ECSOL) conducted September 26-28, 2017 by an Inspection Team (Team) comprised of Committee of Bar Examiners (Committee) member Dolores Heisinger, Heather Georgakis, Educational Standards Consultant to the Committee and Dean Andrea Lua of Pacific Coast University School of Law be received and filed; that the response submitted by Dean J. Michael Mullins, dated June 19, 2018 and submitted on behalf of the law school be received and filed; that the mandatory and suggested compliance recommendations made in the Report be adopted; and that it be acknowledged that the school has addressed each of the mandatory and suggested actions identified herein; and that accreditation of ECSOL be continued; and that its next periodic inspection be scheduled for Fall 2022, unless an earlier visitation is deemed necessary by the Committee.

**MCMILLAN ACADEMY OF LAW – VOLUNTARY REQUEST
FOR TERMINATION OF REGISTRATION**

It was moved, seconded and duly carried that, pursuant to Rule 4.268 of the Unaccredited Law School Rules the written request of Scott McMillan, President of the McMillan Academy of Law, to have the law school's registration be terminated effective September 1, 2018 be received and filed; that the request be granted; that the law school's name be removed from the list of registered, unaccredited law schools as maintained by the State Bar of California; that students previously enrolled in the law school's program receive credit for their study at the law school; and that, as the owner of the law school, Mr. McMillan be designated the permanent custodian of the law school's records and student transcripts and be required to provide such records and transcripts upon the future request of any former student or graduate of the law school.

**2018 MINIMUM CUMULATIVE PASS RATE REPORTING FOR
CALIFORNIA ACCREDITED LAW SCHOOLS**

It was moved, seconded and duly carried that the Report on Submission of California Accredited Law Schools 2018 Annual Cumulative Bar Examination Pass Rates be received and filed; that the 2018 Minimum, Cumulative Bar Examination pass rates by school be authorized for publication; and that Notices of Noncompliance be issued to Pacific Coast University, School of Law and Southern California Institute of Law.

NOTICE OF CHANGES IN LAW SCHOOL ADMINISTRATORS

It was by common consent agreed that the notices from: 1) Empire College School of Law of the appointment of Brian Purtill as Dean, effective August 15, 2018; 2) Irvine University College of Law of the appointment of George C. Leal as Dean, effective August 15, 2018, be received and filed.

2017 – 2018 SUBCOMMITTEE GOALS AND ACCOMPLISHMENTS

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

MORAL CHARACTER

2017 – 2018 SUBCOMMITTEE GOALS AND ACCOMPLISHMENTS

It was by common consent agreed that the 2017 – 2018 goals and accomplishments 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 5:20 p.m., Friday, August 24, 2018.