



The State Bar *of California*

OPEN AGENDA

AGENDA ITEM O-100

JUNE 2020

COMMITTEE OF BAR EXAMINERS

OPEN SESSION MINUTES

THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA

April 24, 2020

Zoom Meeting
State Bar of California Offices

A zoom meeting of the Committee of Bar Examiners of The State Bar of California convened in open session at 8:40 a.m., Friday, April 24, 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., James A. Bolton, Ph.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, David A. Torres, and Patricia M. Villalobos, Members. State Bar staff members in attendance were: Donna Hershkowitz, Interim Executive Director/Chief of Programs; Vanessa Holton, General Counsel; 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; David Lane, Attorney; Kim Wong, Administrative Supervisor; Caroline Holmes, Attorney II; Kenneth Holloway, Attorney III; and Devan McFarland, Sr. Administrative Assistant. The open session portion of the meeting concluded at approximately 9:05 a.m. The meeting went into closed session at 9:10 a.m. The closed session concluded at approximately 1:35 p.m. The meeting went back into open session at 1:40 p.m. The meeting adjourned at 5:45 p.m.

PUBLIC COMMENTS

The Committee of Bar Examiners received 4 public comments and 25 written public comments pertaining to online classes and the September 2020 California Bar Examination.

JANUARY 31, 2020 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 January 31, 2020, be approved.

Moved by Gongora, seconded by Torres.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

Torrealba –yes

Torres – abstain

Villalobos – yes

APRIL 10, 2020 COMMITTEE OF BAR EXAMINERS SPECIAL PUBLIC MEETING MINUTES

It was moved, seconded and duly carried that the minutes taken during the public session of the meeting on April 10, 2020, be approved.

Moved by Gongora, seconded by Torres.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – abstain

Reyes – yes

Torrealba –yes

Torres – yes

Villalobos – yes

DESIGNATION OF REPRESENTATIVE FOR ADMISSION CEREMONIES
FOR SUCCESSFUL FEBRUARY 2020 CALIFORNIA BAR EXAMINATION APPLICANTS

It was by common consent agreed that the following members represent the Committee at the designated Admissions Ceremonies, which will be conducted for the purpose of admitting applicants who are successful on the February 2020 California Bar Examination and who have met all other requirements for admission:

Oakland Convention Center – Vincent Reyes

Sacramento – Paul Kramer

Fresno – David Torres

Pasadena – James Bolton

Orange County – Michael Iseri

Riverside – Kareem Gongora

San Diego – Patricia Villalobos

Ventura – Bethany Peak

JANUARY AND FEBRUARY 2020 STATISTICAL INDICATORS

It was by common consent agreed that the January and February 2020 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

SCHEDULE FOR JUNE 19, 2020 COMMITTEE MEETING

It was by common consent agreed that the schedule for the June 19, 2020 Meeting, which will be held at the State Bar of California Offices in Los Angeles, California, be received and filed.

EXAMINATIONS

REPORT PREPARED BY THE COMMITTEE’S PSYCHOMETRICIAN, AS PART OF THE
IMPLEMENTATION OF THE APPENDIX I RECOMMENDATION TO EVALUATE THE GRADING
PROCESS FOR THE CALIFORNIA BAR EXAMINATION

It was moved, seconded and duly carried that the report on the Phased Grading of the California Bar Examination: A Profile of Recent Results and Modeling the Impact of Alternative Approaches, prepared by Roger Bolus, Ph.D. and dated April 20, 2020, be received and filed and that the report be authorized for publication.

Further move that staff is instructed to implement the following changes to the Committee of Bar Examiners’ grading processes for the California Bar Examination as soon as practicable:

- (1) Eliminate the Phase III (Resolution) grading;

- (2) Compress the regrade band for Phase II grading from 1390 – 1439.99 to 1400 – 1439.99; and
- (3) Add two graders to each California Bar Examination question grading team.

Moved by Heisinger, seconded by Peak.

The motion passed. Roll call vote:

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

2019 – 2020 EXAMINATIONS GOALS

It was moved, seconded and duly carried that the 2019 – 2020 Examinations goals be approved.

Moved by Torres, seconded by Villalobos.

The motion passed. Roll call vote:

Agatep – yes
Bolton – yes
Chan – yes
Efting – yes
Gongora – yes
Heisinger – yes
Iseri – yes
Kaplan – yes
Kramer – yes
Lawrence – yes
Lin – yes
Peak – yes
Reyes – yes

Torrealba –yes
Torres – yes
Villalobos – yes

OPERATIONS AND MANAGEMENT

OCTOBER 2019 FIRST-YEAR LAW STUDENTS' EXAMINATION COST-ANALYSIS

It was moved, seconded and duly carried that the report on costs for administering the October 2019 First-Year Law Students' Examination be received and filed.

Moved by Chan, seconded by Torres.

The motion passed. Roll call vote:

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

2019 – 2020 OPERATIONS AND MANAGEMENT GOALS

It was moved, seconded and duly carried that the 2019 – 2020 Operations and Management goals be approved with a change to add "Remote Proctoring – on going."

Moved by Reyes, seconded by Agatep.

The motion passed. Roll call vote:

Agatep – yes
Bolton – yes
Chan – yes
Efting – yes
Gongora – yes
Heisinger – yes
Iseri – yes
Kaplan – yes
Kramer – yes

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

EDUCATIONAL STANDARDS

REPORT OF PERIODIC INSPECTION - OAK BROOK COLLEGE OF LAW AND GOVERNMENT POLICY

It was moved, seconded and duly carried that t the Periodic Inspection Report of Oak Brook College of Law and Government Policy conducted on December 5-6, 2019 be received and filed; that the mandatory and suggested compliance recommendations made in the Report be adopted; that the response from the school accepting all mandatory and suggested actions be accepted and filed; that the school provide the Committee with a written progress report as to the status of the mandatory and suggested actions enumerated in the Report as part of the School's 2020 Annual Report; and that the school's registration as an unaccredited law school be continued with its next inspection set for Fall 2024.

Moved by Torres, seconded by Peak.

The motion passed. Roll call vote:

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

REPORT OF PERIODIC INSPECTION – TAFT LAW SCHOOL

It was moved, seconded and duly carried that the Inspection Report of Taft Law School conducted on October 8-9, 2019 be received; that the mandatory and suggested compliance recommendations made in the Inspection Report be adopted;

that the response from the school accepting all mandatory and suggested actions be accepted and filed; that the school provide the Committee with a written progress report as to the status of the mandatory and suggested actions identified in the Inspection Report as part of the School's 2020 Annual Report; and that the school's registration as an unaccredited law school be continued, with the school's next inspection to be set for Fall 2024.

Moved by Torres, seconded by Heisinger.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

Torrealba –yes

Torres – yes

Villalobos – yes

APPLICATION FOR WAIVER OF TIME LIMIT TO COMPLETE JD DEGREE
PURSUANT TO GUIDELINE 6.5(A) – SAN FRANCISCO LAW SCHOOL

It was moved, seconded and duly carried that the petition submitted by the San Francisco Law School on behalf of the JD candidate cited in its petition seeking a waiver of the 84-month limitation for the completion of law study to earn a Juris Doctor degree under Guideline 6.5(A) of the *Guidelines for Accredited Law School Rules* be received and filed; that the Petition be granted, and that the school be granted the authority to confer a degree to the student in May 2020 if the student properly completes all requirements.

Moved by Torres, seconded by Heisinger.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

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

REPORT ON PILOT HYBRID JD PROGRESS AND ACTION ON MAJOR CHANGE REQUESTS TO
MAKE PILOT HYBRID JD PERMANENT AND TO INCREASE ONLINE JD OFFERINGS –
SANTA BARBARA AND VENTURA COLLEGES OF LAW

It was moved, seconded and duly carried that Santa Barbara & Ventura College of Law's two Requests for Major Changes, one requesting permission for the Pilot Hybrid JD program to become permanent, and the other to allow the school's fixed facility JD program to incorporate up to sixty-four credit hours of distance education, be received and filed; and that both requests be granted immediately.

Moved by Torres, seconded by Lin.

The motion passed. Roll call vote:

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

APPLICATION FOR PROVISIONAL ACCREDITATION – ST FRANCIS LAW SCHOOL

It was moved, seconded and duly carried that St Francis Law School's Application and Self-Study for Provisional Accreditation be received and filed; that the Committee determine that the law school appears to substantially comply with the Rules for Accredited Law Schools and Guidelines for Accredited Law Schools; and that staff be directed to schedule an inspection of the school within sixty days to verify whether the law school is in substantial or full compliance with the Rules for Accredited Law Schools and Guidelines for

Accredited Law Schools; and that the Inspection Report be presented to the Committee to allow a final decision on this application.

Moved by Gongora, seconded by Reyes.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

Torrealba –yes

Torres – yes

Villalobos – yes

APPLICATION FOR PROVISIONAL ACCREDITATION –
ABRAHAM LINCOLN UNIVERSITY SCHOOL OF LAW

It was moved, seconded and duly carried that Abraham Lincoln University Law School's Application and Self-Study for Provisional Accreditation be received and filed; that the Committee determine that the law school appears to substantially comply with the Rules for Accredited Law Schools and Guidelines for Accredited Law Schools; and that staff be directed to schedule an inspection of the school within sixty days or as soon as possible thereafter under current conditions to verify whether the law school is in substantial or full compliance with the Rules for Accredited Law Schools and Guidelines for Accredited Law Schools; and that the Inspection Report be presented to the Committee to allow a final decision on this application.

Moved by Torres, seconded by Reyes.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes
Peak – yes
Reyes – yes
Torrealba –yes
Torres – yes
Villalobos – yes

TERMINATION OF ACCREDITATION DUE TO NONCOMPLIANCE WITH MINIMUM,
CUMULATIVE FIVE-YEAR BAR PASSAGE RATE REQUIREMENT –
SOUTHERN CALIFORNIA INSTITUTE OF LAW

It was moved, seconded and duly carried that the Committee of Bar Examiners finds that Southern California Institute of Law has not demonstrated compliance with Rule 4.160(N) and Guideline 12.1, and its long-term noncompliance warrants termination of accreditation; that the Committee terminates the accreditation of Southern California Institute of Law and the school's degree-granting authority effective June 1, 2020, pursuant to Rule 4.176; and that the attached Notice of Termination of Accreditation be transmitted to the school.

Moved by Torres, seconded by Peak.

The motion passed. Roll call vote:

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

NOTICE OF INTENT TO TERMINATE ACCREDITATION DUE TO NONCOMPLIANCE WITH
MINIMUM, CUMULATIVE FIVE-YEAR BAR PASSAGE REQUIREMENT –
PACIFIC COAST UNIVERSITY SCHOOL OF LAW

It was moved, seconded and duly carried that that Pacific Coast University School of Law's most recent response to its continuing Notice of Noncompliance dated October 9, 2019, as well as the inspection report summarizing the telephonic inspection with the school on October 22, 2019, be received and filed; and that the school be issued a Notice of Intent to Terminate its Accreditation based on the school's significant and sustained noncompliance

with Rule 4.160(N) and Guideline 12.1.

Moved by Torres, seconded by Peak.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Chan – yes

Efting – yes

Gongora – no

Heisinger – no

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – no

Torrealba –yes

Torres – yes

Villalobos – no

REPORT ON STATUS OF PROPOSAL FOR REVISED ACCREDITED LAW SCHOOL RULES

It was by common consent agreed that the report on status of proposal for the revised Accredited Law School Rules be approved.

REPORT ON NEW ADMINISTRATIVE PERSONNEL AT LAW SCHOOLS

It was by common consent agreed that the notices from San Francisco Law School of the appointment of Timothy Weimer as the Dean overseeing the law school's two campuses in Emeryville and San Diego; from Peoples College of Law of the appointment of Anna Hawkins as the Registrar; and from Pacific Coast University of the appointment of Teresa Berry as the Registrar be received and filed.

2019 – 2020 EDUCATIONAL STANDARDS GOALS

It was moved, seconded and duly carried that the 2019 – 2020 Educational Standards goals be approved.

Moved by Torres, seconded by Reyes.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes
Iseri – yes
Kaplan – yes
Kramer – yes
Lawrence – yes
Lin – yes
Peak – yes
Reyes – yes
Torrealba –yes
Torres – yes
Villalobos – yes

MORAL CHARACTER

UPDATE ON THE DECISIONAL LAW LIBRARY, AN OUTLINE OF LEGAL OPINIONS ON MORAL CHARACTER CASES

It was by common consent agreed that the update on the decisional law library, an outline of legal opinion on Moral Character cases be received and filed.

PRESENTATION ON AND APPROVAL OF THE MORAL CHARACTER WORKING GROUP FINAL DOCUMENTS

It was by moved, seconded and duly carried that the Moral Character Working final documents be approved.

Moved by Gongora, seconded by Torres.

The motion passed. Roll call vote:

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

2019-2020 MORAL CHARACTER GOALS

It was by moved, seconded and duly carried that the 2019 – 2020 Moral Character goals be approved.

Moved by Reyes, seconded by Lawrence.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

Torrealba –yes

Torres – yes

Villalobos – yes

ADJOURNMENT

Having concluded all the business scheduled for consideration during the open and closed sessions of the meeting, the meeting was adjourned at 5:45 p.m., Friday, April 24, 2020.