



The State Bar *of California*

**OPEN AGENDA
AGENDA ITEM O-102
OCTOBER 2020
COMMITTEE OF BAR EXAMINERS**

OPEN SESSION MINUTES

THE COMMITTEE OF BAR EXAMINERS
OF
THE STATE BAR OF CALIFORNIA

August 21 and 22, 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 9:05 a.m., Friday, August 21, 2020, Robert S. Brody, Chair, presiding. Officers and members present were: Robert S. Brody, Chair, Vice-Chair Esther P. Lin, Angeli O. Agatep, M.D., James A. Bolton, Ph.D., Michael Cao, 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, and Vincent Reyes, Members. Members Judge Shelly Torrealba and David A. Torres 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, Admissions, Lisa Cummins, Program Manager III, Examinations, Christina Doell, Program Manager I, Examination Grading; Tammy Campbell, Program Manager I, Operations and Management; Tara Clark, Program Manager I, Moral Character; Natalie Leonard, Principal Program Analyst, Educational Standards; Kim Wong, Administrative Supervisor, Admissions; Caroline Holmes, Attorney II, General Counsel; Kenneth Holloway, Attorney III, General Counsel; David Lane, Attorney, Moral Character; and Devan McFarland, Sr. Administrative Assistant, Admissions. The open session portion was concluded at approximately 3:50 p.m. The meeting was reconvened in closed session at approximately 9:10 a.m. on Saturday, August 22, 2020. All Committee officers and members who were present on Friday were also present on Saturday. The State Bar staff who were present on Friday were also present on Saturday, except Donna Hershkowitz and Devan McFarland. The closed session portion was concluded at approximately 12:41 p.m. The meeting went back into the open session at 12:42 p.m. The meeting adjourned at approximately 12:43 p.m.

PUBLIC COMMENTS

The Committee of Bar Examiners received 2 public comments and 11 written public comments pertaining to the October 2020 California Bar Examination.

JUNE 19, 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 June 19, 2020, be approved.

Moved by Lin, seconded by Agatep.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Cao – abstain

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

JUNE AND JULY 2020 STATISTICAL INDICATORS

It moved, seconded and duly carried that the June and July 2020 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

Moved by Lin, seconded by Gongora.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Cao – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes
Reyes – yes

SCHEDULE FOR OCTOBER 16 AND 17, 2020 COMMITTEE MEETING

It was by common consent agreed that the schedule for the October 16 and 17, 2020 Meeting, which will be held via a Zoom webinar, be received and filed.

2021 SCHEDULE OF COMMITTEE MEETINGS

It was by common consent agreed that the 2021 schedule of Committee meetings be received and filed.

EXAMINATIONS

GRADING SYSTEM APPLICABLE TO THE CALIFORNIA BAR EXAMINATION

IN LIGHT OF THE CALIFORNIA SUPREME COURT'S DIRECTIVES

ISSUED JULY 16, 2020

It was moved, seconded and duly carried 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;

Moved by Heisinger, seconded by Chan

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Cao – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

(2) Add two graders to each California Bar Examination question grading team, with the flexibility to add up to another two graders (for a total of 16) per grading team; and

Moved by Kramer, seconded by Gongora.

The motion passed. Roll call vote:

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

(3) Maintain the 40-point regrade band applicable to the new 1390 passing score.

Moved by Heisinger, seconded by Agatep.

The motion passed. Roll call vote:

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

2019 – 2020 EXAMINATIONS GOALS AND ACCOMPLISHMENTS

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

Moved by Kramer, seconded by Reyes.

The motion passed. Roll call vote:

Agatep – yes
Bolton – yes
Cao – yes
Chan – yes

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

OPERATIONS AND MANAGEMENT

JUNE 2020 FIRST-YEAR LAW STUDENTS' EXAMINATION COST-ANALYSIS

It was moved, seconded and duly carried that the June 2020 First-Year Law Students' Examination Cost-Analysis be approved.

Moved by Reyes, seconded by Lin.

The motion passed. Roll call vote:

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

2019 – 2020 OPERATIONS AND MANAGEMENT GOALS AND ACCOMPLISHMENTS

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

Moved by Kramer, seconded by Lin.

The motion passed. Roll call vote:

Agatep – yes
Bolton – yes
Cao – yes
Chan – yes

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

EDUCATIONAL STANDARDS

MINIMUM, CUMULATIVE BAR PASSAGE RATE REPORTING FOR ACCREDITED LAW SCHOOLS; ISSUANCE OF NOTICES OF NONCOMPLIANCE TO JOHN F. KENNEDY UNIVERSITY SCHOOL OF LAW, LINCOLN LAW SCHOOL OF SAN JOSE AND SAN FRANCISCO LAW SCHOOL

It was moved, seconded and duly carried that the 2020 Minimum, Cumulative Five-Year Bar Passage reports provided by each California Accredited Law School be received and filed, and that these values be posted on the State Bar's website and incorporated in each law school's disclosure documents.

FURTHER RESOLVED, that the Committee make a finding the following schools reported Minimum, Cumulative Bar Exam Pass Rates (MPR) values below the required minimum of forty percent and should each be issued a Notice of Noncompliance: John F. Kennedy University School of Law reporting 39.7 percent, Lincoln Law School of San Jose reporting 30.9 percent and San Francisco Law School reporting 36.0 percent.

FURTHER RESOLVED, that the MPR values of all other currently accredited law schools reported in 2020 and listed on Attachment A be accepted as in compliance.

Moved by Kramer, seconded by Agatep.

The motion passed. Roll call vote:

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

INSPECTION REPORT AND ACCREDITATION OF CONCORD LAW SCHOOL

It was moved, seconded and duly carried that the Committee of Bar Examiners receive and file the inspection report of Concord Law School at Purdue University Global; that it adopt all recommendations contained therein, and note the school's satisfaction of those recommendations.

FURTHER MOVE, that the Committee grant accreditation to Concord Law School at Purdue University Global and its part-time, four-year JD program, as well as degree-granting authority pursuant to that accreditation, effective August 21, 2020.

FURTHER MOVE, that the school's next inspection to verify continued compliance will be set for spring 2025, unless the Committee determines that an inspection is required sooner.

Moved by Chan, seconded by Heisinger.

The motion passed. Roll call vote:

Agatep – yes

Cao – yes

Chan – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Reyes – yes

INSPECTION REPORT AND ACCREDITATION OF NORTHWESTERN CALIFORNIA UNIVERSITY SCHOOL OF LAW

It was moved, seconded and duly carried that the Committee of Bar Examiners receive and file the inspection report of Northwestern California University School of Law; that it adopt all recommendations contained therein, and note the school's satisfaction of those recommendations.

FURTHER MOVE, that the Committee grant accreditation to Northwestern California School of Law and its part-time, four-year JD program, as well as degree-granting authority pursuant to that accreditation, effective August 21, 2020.

FURTHER MOVE, that the school's next inspection to verify continued compliance will be set for spring 2025, unless the Committee determines that an inspection is required sooner.

Moved by Chan, seconded by Heisinger.

The motion passed. Roll call vote:

Agatep – yes

Cao – yes

Chan – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Reyes – yes

INSPECTION REPORT AND ACCREDITATION OF ST. FRANCIS SCHOOL OF LAW

It was moved, seconded and duly carried that the Committee of Bar Examiners receive and file the inspection report of St. Francis School of Law; that it adopt all recommendations contained therein, and note the school's satisfaction of those recommendations.

FURTHER MOVE, that the Committee grant accreditation to St. Francis School of Law and its part-time, four-year JD program, as well as degree-granting authority pursuant to that accreditation, effective August 21, 2020.

FURTHER MOVE, that the school's next inspection to verify continued compliance will be set for spring 2025, unless the Committee determines that an inspection is required sooner.

Moved by Chan, seconded by Heisinger.

The motion passed. Roll call vote:

Agatep – yes

Cao – yes

Chan – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Reyes – yes

APPLICATION FOR REGISTRATION AS AN UNACCREDITED LAW SCHOOL – PACIFIC COAST UNIVERSITY SCHOOL OF LAW

It was moved, seconded and duly carried that the application of Pacific Coast University School of Law seeking registration and degree granting authority as an unaccredited, fixed facility law school be received and filed; and that the application be granted effective

immediately for two years, subject to the school's agreement to undergo an inspection as soon as practical in 2021; and that the school be granted a waiver to take up to one year to fully update its hard copy library, with evidence of compliance to be submitted as part of the school's 2021 Annual Report.

Moved by Reyes, seconded by Heisinger.

The motion passed. Roll call vote:

Agatep – yes

Cao – yes

Chan – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Reyes – yes

APPLICATION FOR REGISTRATION AS AN UNACCREDITED LAW SCHOOL –
SOUTHERN CALIFORNIA INSTITUTE OF LAW

It was moved, seconded and duly carried that the application of Southern California Institute of Law seeking registration as an unaccredited distance law school and degree granting authority pursuant to that status be received and filed; and that the application be granted effective immediately for a period of two years, subject to the school's agreement to undergo an inspection as soon as practical and no later than the end of 2021, and the school's agreement to provide to the State Bar, students and staff updated copies of its faculty and student manuals prior to the expected start of classes, currently set for September 14, 2020.

Moved by Chan, seconded by Reyes.

The motion passed. Roll call vote:

Agatep – no

Brody – yes

Cao – yes

Chan – yes

Efting – abstain

Gongora – abstain

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Reyes – yes

PERIODIC INSPECTION REPORT – PEOPLES COLLEGE OF LAW

It was moved, seconded and duly carried that that the Committee of Bar Examiners receive and file the 2020 Periodic Inspection Report of Peoples College of Law; that it adopt all recommendations contained therein, and accept the school's documented progress as to each of those recommendations with the exception of the library requirement; and that it renew the school's registration as an unaccredited law school through fall 2022.

FURTHER MOVE, that the school be granted a waiver regarding its library facilities to allow the use of online resources and the Los Angeles County Law Library for this year, with the understanding that the school will submit an updated plan to return to compliance with Guideline 6.2 acceptable to the Committee as part of the 2020 Annual Report and document actual compliance in its 2021 Annual Report. Failure to do so will result in the issuance of a Notice of Noncompliance.

FURTHER MOVE, that the school provide in each Annual Report a detailed update as to its compliance status with respect to each of the recommendations noted above, with the understanding that failure to demonstrate continuing compliance will result in the issuance of a Notice of Noncompliance.

FURTHER MOVE, that the school's registration be renewed and its next inspection set for fall 2022, unless the Committee determines that an inspection is required sooner.

Moved by Heisinger, seconded by Reyes.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Cao – abstain

Chan – yes

Efting – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

MAJOR CHANGE OF OWNERSHIP AND LOCATION – WESTERN SIERRA LAW SCHOOL

It was moved, seconded and duly carried that the application of Western Sierra Law School seeking major changes to transfer ownership of the school to Western Sierra Law School, LLC and change the location to 3548 Seagate Way, Oceanside, California, Suites 110 and 250

and the mailing address to PO Box 748, Bonsall, California, 92003, be received and filed; that the requests be granted conditioned upon the school advising the State Bar within 30 days of the date of the closing of the purchase and again with 30 day of the date of the facility move, and consenting to undergo a periodic inspection during as soon as practical in 2021 subject to the fees stated in the Schedule of Charges and Deadlines. This permission will lapse if the purchase is not concluded within one year from this date.

Moved by Agatep, seconded by Lin.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Cao – yes

Chan – yes

Efting – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

MAJOR CHANGE ADDING OR CHANGING JD PROGRAMS TO EXPAND ONLINE
OFFERINGS AND CLOSING SANTA CRUZ SATELLITE CAMPUS;
PROGRESS UPDATE ON PILOT HYBRID JD PROGRAM –
MONTEREY COLLEGE OF LAW

It was moved, seconded and duly carried that the Committee of Bar Examiners receives and files Monterey College of Law's reports regarding its pilot hybrid JD program and the closing of its Santa Cruz campus, and accepts those reports in full.

FURTHER MOVE, that the Committee receive and file the law school's request to offer an expanded hybrid JD curriculum as well as to allow students in the fixed facility JD program to incorporate an unlimited number of online classes into their JD programs, and that these requests be granted effective immediately.

Moved by Peak, seconded by Chan.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Cao – yes

Chan – yes

Efting – yes

Heisinger – yes

Iseri – yes

Kaplan – yes
Kramer – yes
Lawrence – yes
Lin – yes
Peak – yes
Reyes – yes

MAJOR CHANGE REQUEST ADDING A NEW FULL-TIME JD PROGRAM –
SAN FRANCISCO LAW SCHOOL

It was moved, seconded and duly carried that the Committee of Bar Examiners receives and files San Francisco Law School's request for major change to add a full-time online program. Further move that the request be granted in part and denied in part. The request is granted to allow the school to offer a full-time program as a teach-out option for those students transferring from John F. Kennedy University School of Law because that school is closing. The request is denied in part, as permission is not yet granted to add a permanent full-time JD program, in order to allow the school to focus its efforts on retaining accreditation, and protecting students in the event that the school's accreditation lapses and it is required to end any full-time program.

Moved by Bolton, seconded by Peak.

The motion passed. Roll call vote:

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

PROPOSAL FOR NEW RULES TO REPLACE THE RULES FOR ACCREDITED LAW SCHOOLS

It was moved, seconded and duly carried that the proposal for new rules to replace the Rules for Accredited Law Schools be moved to the next Committee meeting.

Moved by Gongora, seconded by Reyes.

The motion passed. Roll call vote:

Agatep – yes
Cao – yes

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

REPORT ON NEW ADMINISTRATIVE PERSONNEL AT LAW SCHOOLS

It was by common consent agreed that the notices from Irvine University College of Law of the appointment of Veronica Jimenez as the Registrar; from San Francisco Law School of the appointment of Karen McCray as the Registrar and Student Advisor; from Western Sierra Law School of the appointment of Joshua Schoonover as the Dean and Erica Schoonover as the Registrar; and from Lincoln Law School of San Jose of the change of its law school web domain to www.lincolnlaw.edu be received and filed.

2019 – 2020 EDUCATIONAL STANDARDS GOALS AND ACCOMPLISHMENTS

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

Moved by Gongora, seconded by Lin.

The motion passed. Roll call vote:

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

MORAL CHARACTER

2019-2020 MORAL CHARACTER GOALS AND ACCOMPLISHMENTS

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

Moved by Peak, seconded by Cao.

The motion passed. Roll call vote:

Agatep – yes

Bolton – yes

Cao – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Lin – yes

Peak – yes

Reyes – yes

ADJOURNMENT

Having concluded all the business scheduled for consideration during the open and closed sessions of the meeting, the meeting was adjourned at 12:43 p.m., Saturday, August 22, 2020.