



The State Bar of California

AGENDA ITEM

JANUARY 10 – Open Session Minutes Approval – September 25, 2020, Meeting

Regular Meeting of the Board of Trustees
(First Meeting of the 2020-2021 Board)

The State Bar of California
Zoom

Friday, September 25, 2020
10:00 a.m. –

Time Meeting Called to Order: 10:18 a.m. [Closed session commenced at 11:55 a.m. and concluded at 12:24 p.m. followed by adjournment of Meeting in Open Session.]

Time Meeting Adjourned: 12:27 p.m.

Chair: Sean SeLegue

Secretary: Sarah Cohen

Members Present: Mark Broughton, Hailyn Chen, José Cisneros, Juan De La Cruz, Sonia Delen, Ruben Duran, Christine Gonong, Joshua Perttula, Brandon Stallings

Members Joined in Progress: N/A

Members Absent: Chris Iglesias, Renée LaBran

Before the meeting was called to order, the Honorable Joshua P. Groban, Associate Justice of the Supreme Court of California, administered the oath of office to the newly appointed officers, and the newly appointed and reappointed members of the 2020-2021 Board of Trustees.

OPEN SESSION

Public Comment:

Rebecca: Rebecca, a 2018 graduate and parent, requests that the Board consider an open book exam recommended by many law school deans because remote proctoring has been a disaster.

Sanaz Nikbakhsh: Sanaz Nikbakhsh, a February 2020 bar examinee who met the lowered 1390 cut score, commented on the difficulties studying for and taking an online bar exam during the pandemic. [The presenter provided similar comment the day before at the September 24, 2020, Board meeting; see September 24, 2020, Minutes for fuller summary.]

Savannah Wadsworth: Savannah Wadsworth commented on problems experienced answering questions on the mock exam because of software issues. The presenter complained that ExamSoft does not have enough customer service representatives to assist applicants with software issues and has leaked private information to the public, including bank and PayPal account information. Although assured by the State Bar that Examsoft would be hiring more people, the presenter expressed concern about whether the new hires would receive adequate training. The presenter expressed support for an open book exam and requested that the exam not be postponed further.

Pamela: Pamela echoed the comments of the previous two presenters. The presenter observed that the State Bar and ExamSoft are not on the same page, citing as an example an email sent by the State Bar on September 24, 2020, stating that the ExamSoft update would be available the next day for downloading, and a contrary email sent by ExamSoft stating that the update would not be available until September 28. The presenter stated that there was an hour wait to speak to an ExamSoft agent at 4:45 a.m. and expressed concern about what could happen on the day of the exam. The presenter asked that the Board rethink the online exam, develop a solid plan, and support retroactivity.

Claire Solot: Claire Solot, appearing on behalf of the Legal Services Funders Network and the Bigglesworth Family Foundation, thanked the Board for approving the provisional license recommendation at yesterday's meeting so that it can move forward to the Supreme Court for consideration. The presenter requested that the Board post a public notice with updates on the status of the application process. The presenter stated that the Legal Services Funders Network runs the largest post-graduate law fellowship program in the Bay Area, and that 30 graduates who have been placed at over 20 legal services organizations have expressed interest in participating in the provisional license program and are eager to make a decision about whether to take the October bar exam. The presenter stated that experience of new graduates as compared to those asking for retroactivity is different; the new graduates must decide whether to take time off from the fellowships to take the exam. The presenter requests clarity to ensure that enough funds are made available for legal services and public interest organizations to hire these fellows as legal services provisional licensed lawyers.

RMC: RMC, an examinee ready to take the October bar exam, expressed a lack of confidence in ExamSoft given technical problems, such as a lag time in typing and difficulty downloading, and

wait times of 30 minutes, sometimes an hour, in reaching a customer service representative. The presenter believes that ExamSoft's concession that there are likely to be 2.5 percent of examinees with technical issues should give everyone pause. The presenter believes that the only fair and equitable way to move forward and ensure an equal playing field and access to success is an open book exam.

End of Public Comment

30 CHAIR'S REPORT – *oral*

30-1 Approval of Board Committee, Liaison and Special Assignments

RESOLVED, that the Board of Trustees ratifies the attached Committee, Liaison and Special Assignments for the 2020–2021 Board year.

COMMITTEE ASSIGNMENTS

Board Executive Committee [Ex Com]

1. Sean SeLegue (Supreme Court), Chair
2. Ruben Duran (Assembly), Vice-Chair
3. Mark Broughton (Supreme Court)
4. José Cisneros (Governor)
5. Sonia Delen (Governor)
6. Joshua Perttula (Senate)
7. Donna Hershkowitz (ex officio)

Regulation and Discipline Committee [RAD]

1. Brandon Stallings, Chair
2. Hailyn Chen, Vice-Chair
3. Mark Broughton
4. José Cisneros
5. Juan De La Cruz
6. Ruben Duran
7. Christine Gonong
8. Renée LaBran
9. Joshua Perttula
10. Sean SeLegue
11. Arnold Sowell, Jr.

Finance Committee [Finance]

1. Joshua Perttula, Chair
2. José Cisneros, Vice-Chair
3. Juan De La Cruz
4. Sonia Delen
5. Renée LaBran
6. Christine Gonong
7. Arnold Sowell, Jr.

Audit Committee [Audit]

1. Sonia Delen, Chair
2. Mark Broughton
3. Hailyn Chen

LIAISON ASSIGNMENTS

Access to Justice	Christine Gonong/Chris Iglesias
Admissions	Mark Broughton/Joshua Perttula
Diversity and Inclusion	José Cisneros/Sonia Delen
Legislative Relations/Communications	Juan De La Cruz/ Ruben Duran <u>Arnold Sowell, Jr.</u>
Administration/Personnel/Labor Relations	Hailyn Chen/Chris Iglesias
Appointments	Brandon Stallings/Christine Gonong
Litigation	Sean SeLegue/Christine Gonong

SPECIAL ASSIGNMENT

Review Committee, Commission on Judicial Nominees Evaluation (RJNE)	Joshua Perttula/José Cisneros
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Moved by Cisneros, seconded by Delen.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Gonong, Perttula, Sowell, Stallings

Noes – n/a

Motion carries.

30-2 Multiyear Schedule of Board of Trustees Meetings - *informational*

40 STAFF REPORTS

41 Executive Director – *oral*

50 CONSENT

50-1 Permission for Members to be Absent from State – *withdrawn*

50-2 Annual Approval of Secretary

RESOLVED, that the Board of Trustees appoints Ms. Sarah Cohen to serve as the Board Secretary for the 2020–2021 Board year, effective with this action.

Moved by De La Cruz, seconded by Duran.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Gonong, Perttula, Sowell, Stallings

Noes – n/a

Motion carries.

700 MISCELLANEOUS

701 Strategic Plan Report (Hershkowitz) - *informational*

702 Office of Finance Midyear Budget Variance Report/Projection (Adams)

RESOLVED, that upon recommendation of the Finance Committee, the Board of Trustees approves the 2020 Midyear Budget Variance and Projection Report in the form presented this day before the Board, for the six months ended June 30, 2020 as certified by the Chief Financial Officer and filed with the San Francisco office of the State Bar.

Moved by Cisneros, seconded by Delen.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Gonong, Perttula, Sowell, Stallings

Noes – n/a

Motion carries.