



# The State Bar *of California*

---

**OPEN AGENDA  
AGENDA ITEM O-102  
JANUARY 2021  
COMMITTEE OF BAR EXAMINERS**

OPEN SESSION MINUTES

THE COMMITTEE OF BAR EXAMINERS  
OF  
THE STATE BAR OF CALIFORNIA

December 4, 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 9:06 a.m., Friday, December 4, 2020, Esther P. Lin, Chair, presiding. Officers and members present were: Esther P. Lin, Chair, Vice-Chair Alexander C. Lawrence, Jr., James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D., Alex H. Chan, James H. Efting, Kareem Gongora, Dolores Heisinger, Michael A. Iseri, Larry Kaplan, Paul A. Kramer, Bethany J. Peak, Vincent Reyes, Judge Shelly Torrealba, and David A. Torres, Members. Member Judge James E. Herman was absent. State Bar staff members in attendance were: Donna Hershkowitz, 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; Justin Ewert, Controller, Finance; and Devan McFarland, Sr. Administrative Assistant, Admissions. The open session portion was concluded at approximately 1:12 p.m. The meeting went into closed session at approximately 1:20 p.m. David Torres left the meeting at 1:25 p.m. The closed session concluded at 3:04 p.m. The meeting went back into open session at approximately 3:06 p.m. The meeting adjourned at 3:06 p.m.

## PUBLIC COMMENTS

The Committee of Bar Examiners received 2 written public comments and 3 public comments pertaining to the Testing Accommodation rules and appeals, the passing rate, and the October 2020 California Bar Examination and the National Conference of Bar Examiners – MBE.

## AUGUST, SEPTEMBER AND OCTOBER 2020 STATISTICAL INDICATORS

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

## SCHEDULE FOR JANUARY 29 AND 30, 2021 COMMITTEE MEETING

It was by common consent agreed that the schedule for the January 29 and 30, 2021 Meeting, which will be held via a Zoom webinar, be received and filed.

## EXAMINATIONS

### PROPOSED RULE REVISIONS REGARDING TESTING ACCOMMODATIONS

It was moved, seconded and duly carried that the proposed revisions to Rule 4.90 of the Rules of the State Bar, set forth in Attachment A hereto, be adopted and that the proposed rule change be circulated for a 45-day public comment period.

Moved by Dolores, seconded by Kramer.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Judge Torrealba – yes

Torres – yes

## 2020 – 2021 EXAMINATIONS GOALS

It was moved, seconded and duly carried that the 2020 – 2021 Examinations goals be approved.

Moved by Brody, seconded by Reyes.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Judge Torrealba – yes

Torres – yes

## OPERATIONS AND MANAGEMENT

### FINANCIAL IMPACT OF THE MODIFIED (2-DAY) CALIFORNIA BAR EXAMINATION

It was moved, seconded and duly carried that the Report on the Financial Impact of the Modified (2-Day) California Bar Examination be approved.

Moved by Bolton, seconded by Brody.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Judge Torrealba – yes

## 2020 – 2021 OPERATIONS AND MANAGEMENT GOALS

It was moved, seconded and duly carried that the 2020 – 2021 Operations and Management goals be approved.

Moved by Brody, seconded by Gongora.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Judge Torrealba – yes

Torres – yes

## EDUCATIONAL STANDARDS

### NOTICE OF NONCOMPLIANCE WITH RULE 4.160(N) – JOHN F. KENNEDY SCHOOL OF LAW

It was moved, seconded and duly carried that the Response of John F. Kennedy School of Law to the Notice of Noncompliance with Rule 4.160(N) be received and filed; and that the Committee find that the response is unsatisfactory because it does not establish the law school's compliance with Rule 4.160(N); and

Further move that a remote inspection be scheduled within sixty days to determine whether or not the school is in compliance with Rule 4.160(N) and, if not, to allow the school an opportunity to further explain its plans and timing to return to compliance, including the evidence upon which the plans are based. If the school declines to timely participate in an inspection, the Committee will proceed with the information before it.

### NOTICE OF NONCOMPLIANCE WITH RULE 4.160(N) – LINCOLN LAW SCHOOL SAN JOSE

It was moved, seconded and duly carried that the Response of Lincoln Law School of San Jose to the Notice of Noncompliance with Rule 4.160(N) be received and filed; and that the Committee find that the response is unsatisfactory because it does not establish the law school's compliance with Rule 4.160(N); and

Further move that a remote inspection be scheduled within sixty days to determine whether or not the school is in compliance with Rule 4.160(N) and, if not, to allow the school an opportunity to further explain its plans and timing to return to compliance, including the evidence upon which the plans are based. If the school declines to timely participate in an inspection, the Committee will proceed with the information before it.

NOTICE OF NONCOMPLIANCE WITH RULE 4.160(N) –  
SAN FRANCISCO LAW SCHOOL

It was moved, seconded and duly carried that the Response of San Francisco Law School to the Notice of Noncompliance with Rule 4.160(N) be received and filed; and that the Committee find that the response is unsatisfactory because it does not establish the law school's compliance with Rule 4.160(N); and

Further move that a remote inspection be scheduled within sixty days to determine whether or not the school is in compliance with Rule 4.160(N) and, if not, to allow the school an opportunity to further explain its plans and timing to return to compliance, including the evidence upon which the plans are based. If the school declines to timely participate in an inspection, the Committee will proceed with the information before it.

Moved by Brody, seconded by Peak.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Judge Torrealba – yes

Torres – yes

PERIODIC INSPECTION REPORT OF SAN FRANCISCO LAW SCHOOL

It was moved, seconded and duly carried that the 2020 Periodic Inspection report of San Francisco Law School be received and filed, along with the law school's response to that report dated September 24, 2020 and further update dated November 13, 2020; that the school be required to provide an update as to each recommendation identified in the inspection report by May 15 and November 15 of each year until the school's next periodic inspection is completed, and that the school's accreditation be continued and the next inspection set for winter 2022, unless modified by the Committee's findings as to the

school's progress related to these recommendations, the school's Minimum, Cumulative Five-Year Bar Examination Passage Rate, or other compliance issues.

Moved by Brody, seconded by Lawrence.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Judge Torrealba – yes

Torres – yes

PETITION FOR ACQUIESCENCE TO A NON-JD PROGRAM –  
CONCORD LAW SCHOOL EXECUTIVE JD.

It was moved, seconded and duly carried that Concord Law School's Application for Acquiescence to its Executive JD program, a non-bar qualifying program, be received and filed, and that the request for continuing acquiescence be granted.

Moved by Brody, seconded by Torres.

The motion passed. Roll call vote:

Bolton – no

Brody – yes

Cao – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Judge Torrealba – yes

Torres – yes

ONE-TIME WAIVER OF 84-MONTH TIME LIMIT TO COMPLETE JD REQUIREMENTS  
UNDER GUIDELINE 6.5(A) – PACIFIC COAST UNIVERSITY SCHOOL OF LAW

It was moved, seconded and duly carried that this petition submitted by Pacific Coast University School of Law on behalf of a specific student seeking a one-time waiver of guideline 6.5(A) be received, and that the petition be granted as to this specific student, ratifying the law school's awarding of a JD degree from an accredited law school to the student retroactive to August 2019.

Moved by Torres, seconded by Peak.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Efting – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Judge Torrealba – yes

Torres – yes

APPLICATION FOR ACCREDITATION – CALIFORNIA SCHOOL OF LAW

It was moved, seconded and duly carried that California School of Law's Application and Self-Study for Provisional Accreditation be received and filed; that the Committee determine that the law school appears to at least 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 further consideration of this application.

Moved by Brody, seconded by Torres.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Efting – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes  
Peak – yes  
Reyes – yes  
Judge Torrealba – yes  
Torres – yes

#### REPORT ON NEW ADMINISTRATIVE LEADERSHIP AT LAW SCHOOLS

It was by common consent agreed that the notices from American Heritage University School of Law of moving its location to 9227 Haven Street, Suite 210, Rancho Cucamonga, CA 91730 on short notice after its prior location was vandalized; from California Southern Law School of closing its school in good standing on December 1, 2020 and surrendered its registration (Gregory Rich will serve as custodian of records.); from Pacific Coast University School of Law of the appointment of Basil George Dezes as the Dean and the appointment of Natalie Badillo-Casas as the Registrar; and the completion of the sale of Western Sierra Law School to new owners Joshua and Erika Schoonover be received and filed.

#### 2020 – 2021 EDUCATIONAL STANDARDS GOALS

It was moved, seconded and duly carried that the 2020 – 2021 Educational Standards goals be approved.

Moved by Heisinger, seconded by Cao.

The motion passed. Roll call vote:

Bolton – yes  
Brody – yes  
Cao – yes  
Chan – yes  
Efiting – yes  
Gongora – yes  
Heisinger – yes  
Iseri – yes  
Kramer – yes  
Lawrence – yes  
Peak – yes  
Reyes – yes  
Torres – yes

#### THE ROLE OF REHABILITATION IN MORAL CHARACTER DETERMINATIONS

It was by common consent agreed that the Committee's appreciation be extended to David Lane for his training on the Role of Rehabilitation in Moral Character Determinations.



## 2020 – 2021 MORAL CHARACTER GOALS

It was moved, seconded and duly carried that the 2020 – 2021 Moral Character goals be approved.

Moved by Torres, seconded by Lawrence.

The motion passed. Roll call vote:

Brody – yes

Cao – yes

Efting – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Judge Torrealba – yes

Torres – yes

## ADJOURNMENT

Having concluded all the business scheduled for consideration during the open and closed sessions of the meeting, the meeting was adjourned at 3:06 p.m., Friday, December 4, 2020.