



The State Bar *of California*

**OPEN AGENDA
AGENDA ITEM O-100
APRIL 2021
COMMITTEE OF BAR EXAMINERS**

OPEN SESSION MINUTES

THE COMMITTEE OF BAR EXAMINERS
OF
THE STATE BAR OF CALIFORNIA

March 26, 2021

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 9:01 a.m., Friday, March 26, 2021, Chair Esther P. Lin presiding. Officers and members present were: Chair Esther P. Lin, Vice-Chair Alexander C. Lawrence, Jr., James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D., Kareem Gongora, Dolores Heisinger, Michael A. Iseri, Larry Kaplan, Paul A. Kramer, Bethany J. Peak, Vincent Reyes, , and Don Ajené Wilcoxson, Members. Member Judge James E. Herman joined the meeting at 10:10 a.m. Members Alex H. Chan, James H. Efting, Judge Shelly Torrealba, and David A. Torres were 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; and Devan McFarland, Sr. Administrative Assistant, Admissions. The open session portion was concluded at approximately 11:42 a.m. The meeting went into closed session at approximately 12:02 p.m. The closed session concluded at 2:29 p.m. The meeting went back into open session at approximately 2:30 p.m. The meeting adjourned at 3:15 p.m.

PUBLIC COMMENTS

The Committee of Bar Examiners received 2 written public comments and 2 public comments pertaining to amendments to the State Bar of California Rules and Act and the Proposed Accredited Law Schools Rules. (Attachment O-402.)

JANUARY 29, 2021 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 29, 2021, be approved.

Moved by Brody, seconded by Cao.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Wilcoxson – yes

JANUARY AND FEBRUARY 2021 STATISTICAL INDICATORS

It was by common consent agreed that the January and February 2021 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

SCHEDULE FOR APRIL 23–24, 2021 COMMITTEE MEETING

It was by common consent agreed that the schedule for the April 23 and 24, 2021 Meeting, which will be held via a Zoom webinar, be received and filed.

EXAMINATIONS

REPORT TO THE SUPREME COURT ON THE OCTOBER 2020 CALIFORNIA BAR EXAMINATION

It was moved, seconded and duly carried that the draft Supreme Court Report on the October 2020 California Bar Examination be finalized and submitted to the Court.

Moved by Brody, seconded by Bolton.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Wilcoxson – yes

TECHNICAL REPORT ON THE NOVEMBER 2020
FIRST-YEAR LAW STUDENTS' EXAMINATION

It was moved, seconded and duly carried that the technical report on the November 2020 First-Year Law Students' Examination dated March 9, 2021, which was prepared by Roger Bolus, Ph.D., be approved, and, thereafter, received and filed.

Moved by Brody, seconded by Iseri.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Wilcoxson – yes

RECONSIDERATION OF "TAKERS" AND "COMPLETERS" POLICY
IN THE CONTEXT OF THE LOWERED CALIFORNIA BAR EXAMINATION
CUT SCORE AND THE ONLINE CALIFORNIA BAR EXAMINATION

It was moved, seconded and duly carried that the Committee keep the current "Takers" policy as is, for the purposes of, both, grading and statistical reporting of the examinations.

1.1 Definition of Examination “Takers”

- (A) An applicant considered to have taken an examination is an applicant who has a multiple-choice score and a complete set of written scores (First-Year Law Students’ Examination); a Multistate Bar Examination (MBE) score, both AM and PM sessions, and a complete set of written scores (General Bar Examination); or a complete set of written scores (Attorneys’ Examination).
- (i) “Written scores” may include zeros if an applicant was in attendance at the examination for its entirety. If an applicant was absent from a test center for any portion of the examination during its administration, the applicant is not considered as having completed the examination.
- (ii) If an applicant is absent for any portion of the examination, the applicant is considered as having not taken the examination; the applicant’s written answers will not be graded; and the applicant will be advised that, if he/she intends to take a future administration of the examination, he/she will be subject to the same application filing deadlines applicable to first-time applicants rather than the deadlines applicable to immediate repeaters.

Moved by Heisinger, seconded by Brody.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Gongora – no

Heisinger – yes

Iseri – yes

Kaplan – abstain

Kramer – abstain

Lawrence – yes

Peak – yes

Reyes – yes

Wilcoxson – abstain

2020 – 2021 EXAMINATIONS GOALS

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

Moved by Brody, seconded by Heisinger.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes
Cao – yes
Gongora – yes
Heisinger – yes
Iseri – yes
Kaplan – yes
Kramer – yes
Lawrence – yes
Peak – yes
Reyes – yes
Wilcoxson – yes

OPERATIONS AND MANAGEMENT

REPORT ON NOVEMBER 2020 FIRST-YEAR LAW STUDENTS' EXAM COST-ANALYSIS

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

Moved by Heisinger, seconded by Brody.

The motion passed. Roll call vote:

Bolton – yes
Brody – yes
Cao – yes
Gongora – yes
Heisinger – yes
Herman – yes
Iseri – yes
Kaplan – yes
Kramer – yes
Lawrence – yes
Peak – yes
Reyes – yes
Wilcoxson – 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 Kramer, seconded by Cao.

The motion passed. Roll call vote:

Bolton – yes
Brody – yes
Cao – yes
Gongora – yes

Heisinger – yes
Herman – yes
Iseri – yes
Kramer – yes
Lawrence – yes
Peak – yes
Reyes – yes
Wilcoxson – yes

EDUCATIONAL STANDARDS

MAJOR CHANGE REQUEST FOR CHANGE OF OWNERSHIP – EMPIRE COLLEGE SCHOOL OF LAW

It was moved, seconded and duly carried that that the Committee of Bar Examiners receives and files Empire College School of Law’s application for major change; grants approval to proceed with the proposed change of ownership of Empire College School of Law, transferring its assets via gift transfer from its current owner, a for-profit California stock corporation, to Empire Foundation, a California public benefit corporation, which will timely file the necessary paperwork to expand its purpose to operate a law school and advise the Committee when the conversion is complete; and that the law school’s inspection schedule be maintained and an inspection set for fall 2022 to confirm the law school’s continued compliance after the transfer and otherwise complete the law school’s periodic inspection.

Moved by Brody, seconded by Gongora.

The motion passed. Roll call vote:

Bolton – yes
Brody – yes
Cao – yes
Gongora – yes
Heisinger – yes
Iseri – yes
Kramer – yes
Lawrence – yes
Peak – yes
Reyes – yes
Wilcoxson – yes

REPORT ON NEW ADMINISTRATIVE LEADERSHIP AT LAW SCHOOLS

It was moved, seconded and duly carried that the notices from San Francisco International University of the appointment James Gipson as the Registrar; from Thomas Jefferson School of Law of the appointment of Carrie Kazyaka as the Registrar; and from Taft Law School of the appointments of Melody Jolly as the Dean and Neil Johnson as the Chief Executive Officer of the Taft University System be received and filed.

Moved by Gongora, seconded by Cao.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Gongora – yes

Heisinger – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Reyes – yes

Wilcoxson – yes

PROPOSED ACCREDITED LAW SCHOOL RULES: RETURN FROM PUBLIC COMMENT
AND RECOMMENDATION TO THE BOARD OF TRUSTEES

It was moved, seconded and duly carried that the item be postponed to the Committee meeting in April.

Moved by Gongora, seconded by Cao.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Gongora – yes

Heisinger – yes

Herman – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Lawrence – yes

Peak – yes

Reyes – yes

Wilcoxson – yes

2020 – 2021 EDUCATIONAL STANDARDS GOALS

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

Moved by Brody, seconded by Cao.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Gongora – yes
Heisinger – yes
Herman – yes
Iseri – yes
Kramer – yes
Kaplan – yes
Lawrence – yes
Peak – yes
Reyes – yes
Wilcoxson – yes

MORAL CHARACTER

2020 – 2021 MORAL CHARACTER GOALS

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

Moved by Gongora, seconded by Reyes.

The motion passed. Roll call vote:

Bolton – yes
Cao – yes
Gongora – yes
Heisinger – yes
Herman – yes
Iseri – yes
Kramer – yes
Kaplan – yes
Lawrence – yes
Peak – yes
Reyes – yes
Wilcoxson – yes

ADJOURNMENT

Having concluded all the business scheduled for consideration during the open and closed sessions of the meeting, the meeting was adjourned at 3:15 p.m., Friday, March 26, 2021.