



# The State Bar *of California*

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## **OPEN AGENDA**

### **AGENDA ITEM O-100**

**JANUARY 2022**

### **COMMITTEE OF BAR EXAMINERS**

#### **OPEN SESSION MINUTES**

#### **THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA**

**December 3 and 4, 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, December 3, 2021, Chair Alexander C. Lawrence, Jr. presiding. Officers and members present were: Chair Alexander C. Lawrence, Jr., Vice-Chair Paul A. Kramer, James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D., Alex H. Chan, James H. Efting, Kareem Gongora, Dolores Heisinger, Judge James Herman, Michael A. Iseri, Larry Kaplan, Vincent Reyes, David A. Torres, Don Ajené Wilcoxson Members. Member Esther Lin joined the meeting at 12:20 p.m. Members Bethany J. Peak and Judge Shelly Torrealba were absent. State Bar staff members in attendance were: Donna Hershkowitz, Chief of Programs; Bridget Gramme, Deputy Chief of Programs; Amy C. Nuñez, Director III, Admissions; Audrey Ching, Assistant Director, Admissions, Tammy Campbell, Program Manager II, Operations and Management; Tara Clark, Program Manager II, Moral Character; Christina Doell, Program Manager I, Examination Grading; Natalie Leonard, Principal Program Analyst, Educational Standards; Kim Wong, Administrative Supervisor, Admissions; David Lane, Senior Attorney, Moral Character; Vanessa Holton, General Counsel; James Chang, Attorney IV, General Counsel; Marc Shapp, Attorney III, General Counsel; and Devan McFarland, Sr. Administrative Assistant, Admissions. The open session portion was concluded at approximately 11:46 a.m. The meeting went into closed session at approximately 12:17 p.m. The closed session concluded at 2:21 p.m. The meeting went back into closed session at approximately 9:05 a.m. on Saturday, December 4, 2021. All attorney members who were present on Friday, including Judge Shelly Torrealba were also present on Saturday. Member David Torres left the meeting at 10:45 a.m. The only State Bar staff in attendance on Saturday were Donna Hershkowitz, Audrey Ching, Lisa Cummins, and Kim Wong. Also, in attendance were members of the Examination Development and Grading (EDG) Team: Louise Collari, Amy Gee, David Kelley, Brian Kinney, Kathryn Meola,

John Murphy, Amanda Roze, and Paul Webb. The meeting went back into open session at 11:00 a.m. The meeting adjourned at 11:01 a.m.

### PUBLIC COMMENTS

The Committee of Bar Examiners received 1 written public comment, 1 public comment pertaining to the technical issues with ExamSoft during the July 2021 California Bar Exam, 1 public comment pertaining to the National Conference of Bar Examiners and the remote testing for the February 2022 California Bar Exam, and 1 public comment pertaining to the Change Unaccredited Category from Fixed-Facility Learning to Distance Learning (Attachment O-403).

### OCTOBER 15, 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 October 15, 2021, be approved.

Moved by Bolton, seconded by Brody.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Chan – yes

Efting – yes

Heisinger – yes

Judge Herman - abstain

Iseri – yes

Kaplan – yes

Kramer – yes

Reyes – yes

Torres – yes

Wilcoxson – abstain

### SEPTEMBER AND OCTOBER 2021 STATISTICAL INDICATORS

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

### SCHEDULE FOR JANUARY 28-29, 2022 COMMITTEE MEETING

It was by common consent agreed that the schedule for the January 28-29, 2022 Meeting, which will be held via a Zoom webinar, be received and filed.

## **EXAMINATIONS**

### **REPORT ON 2021 – 2022 EXAMINATIONS GOALS**

It was moved, seconded and duly carried that the report on 2021 – 2022 Examinations goals be approved.

Moved by Heisinger, seconded by Brody.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Judge Herman – yes

Iseri – yes

Kaplan – yes

Kramer – yes

Reyes – yes

Wilcoxson – yes

## **OPERATIONS AND MANAGEMENT**

### **REPORT ON 2021 – 2022 OPERATIONS AND MANAGEMENT GOALS**

It was moved, seconded and duly carried that the report on 2021 – 2022 Operations and Management goals be approved.

Moved by Reyes, seconded by Iseri.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Chan – yes

Efting – yes

Gongora – yes

Judge Herman – yes

Iseri – yes

Kramer – yes

Reyes – yes

Torres – yes

Wilcoxson – yes

## **EDUCATIONAL STANDARDS**

### **INSPECTION OF SAN FRANCISCO INTERNATIONAL UNIVERSITY COLLEGE OF LAW**

It was moved, seconded and duly carried that the Committee of Bar Examiners receives and files the report of the inspection conducted of San Francisco International University College of Law on December 1, 2020 and adopts its recommendations in full; and

FURTHER MOVE, that the Committee directs staff to issue a warning pursuant to Rule 4.244 (G)(4) to the law school to take immediate action to correct the deficiencies noted as Recommended Mandatory Actions in the inspection report and to provide notice to the State Bar of the correction within 30 days after the State Bar issues the warning letter; and

FURTHER MOVE, that the law school be provided notice pursuant to Rule 4.263 that the Committee believes that the inspection report demonstrates that the law school is likely to be out of compliance with the Unaccredited Law School Rules and, therefore, the Committee recommends and intends to pursue probation or termination of registration unless the law school can provide evidence to demonstrate compliance as part of its timely response to the Committee's warning letter.

Moved by Torres, seconded by Gongora.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Chan – yes

Gongora – yes

Heisinger – yes

Judge Herman – yes

Iseri – yes

Kramer – yes

Reyes – yes

Torres – yes

Wilcoxson – yes

### **INSPECTION OF AMERICAN HERITAGE UNIVERSITY SCHOOL OF LAW**

It was moved, seconded and duly carried that the Committee of Bar Examiners receives and files the inspection report of American Heritage University School of Law conducted on December 18, 2020 and adopts its recommendations in full; and

FURTHER MOVE, that the Committee directs staff to issue a warning pursuant to Rule 4.244 (G)(4) to the law school to take immediate action to correct the deficiencies noted in the inspection report and to provide notice to the State Bar of the correction within 30 days after the State Bar issues the warning letter; and

FURTHER MOVE, that the law school be provided notice pursuant to Rule 4.263 that the Committee believes that the inspection report demonstrates that the law school is likely to be out of compliance with the Unaccredited Law School Rules and, therefore, the Committee recommends and intends to pursue probation or termination of registration unless the law school can provide evidence to demonstrate compliance as part of its timely response to the Committee's warning.

Moved by Wilcoxson, seconded by Torres.

The motion passed. Roll call vote:

Bolton – yes

Cao – yes

Chan – yes

Gongora – yes

Heisinger – yes

Judge Herman – yes

Iseri – yes

Kramer – yes

Reyes – yes

Torres – yes

Wilcoxson – yes

MAJOR CHANGE – PACIFIC COAST UNIVERSITY SCHOOL OF LAW –  
CHANGE JD PROGRAM SCHEDULE FROM QUARTERS TO SEMESTERS

It was moved, seconded and duly carried that the Committee of Bar Examiners receives and files Pacific Coast University School of Law's Request for Major Change seeking ratification of the law school's change to scheduling its JD program in semesters effective fall 2021 and course changes as set forth in Attachment A, and grants the request, subject to further review at the law school's next inspection; and

FURTHER MOVE that the law school must: 1) submit a template to the State Bar by January 31, 2022 demonstrating how quarter-credits and semester-credits will appear on students' transcripts; 2) review the law school's attendance policy and amend as necessary to comply with guideline 5.3(A); and 3) review and amend its courses as necessary to ensure that each course complies with the course aspects listed in guideline 5.22 and that no duplicate course credit is awarded; and

FURTHER MOVE that the law school is advised to ensure that it timely files motions as needed with the Committee of Bar Examiners, securing advance approval when required.

Moved by Torres, seconded by Wilcoxson.

The motion passed. Roll call vote:

Bolton – yes

Cao – yes

Chan – yes

Gongora – yes

Heisinger – yes  
Judge Herman – yes  
Iseri – yes  
Kramer – yes  
Reyes – yes  
Torres – yes  
Wilcoxson – yes

MAJOR CHANGE – IRVINE UNIVERSITY COLLEGE OF LAW –  
CHANGE UNACCREDITED CATEGORY FROM FIXED-FACILITY LEARNING TO DISTANCE LEARNING

It was moved, seconded and duly carried that the Committee of Bar Examiners receives and files Irvine University College of Law's Request for Major Change to transition to the distance learning category of teaching as a registered, unaccredited law school, and provisionally grants the request effective July 1, 2022, subject to the following conditions: by March 15, 2022 the law school must submit: 1) the redesigned JD curriculum and credit content, noting the courses qualifying for practical skills training; 2) all class syllabi for online JD classes to be taught beginning July 5 2022; 3) verification that communication to students will indicate that some classes will only be offered in-person and establishing whether in-person attendance is required; 4) a copy of the policy that establishes procedures for verifying each student's preparation and study; and 5) the law school's methods and metrics it will use to establish the effectiveness of the new online courses; and

FURTHER MOVE, that by September 15, 2022, the law school must provide the course syllabi for the online JD courses to be taught starting on January 5, 2023; and

FURTHER MOVE, that by March 15, 2023, the law school must provide the course syllabi for the remaining courses in the law school's distance learning JD program.

Moved by Torres, seconded by Iseri.

The motion passed. Roll call vote:

Bolton – yes  
Brody – yes  
Cao – yes  
Chan – yes  
Efting – yes  
Gongora – yes  
Heisinger – yes  
Judge Herman – yes  
Iseri – yes  
Kaplan – yes  
Kramer – yes  
Reyes – yes  
Torres – yes  
Wilcoxson – yes

MAJOR CHANGE – HUMPHREYS UNIVERSITY DRIVON SCHOOL OF LAW –  
TEACH BLENDED ONLINE/CLASSROOM JD CLASSES

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files and grants Humphreys University Drivon School of Law's request for major change to deliver JD classes in blended format, offering synchronous online and in-person instruction.

Moved by Gongora, seconded by Torres.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Judge Herman – yes

Iseri – yes

Kramer – yes

Reyes – yes

Torres – yes

Wilcoxson – yes

MAJOR CHANGE AND WAIVER – UNIVERSITY OF LA VERNE COLLEGE OF LAW –  
TEACH THREE REMOTE WEEKS PER SEMESTER, THREE ELECTIVES ONLINE PER SEMESTER  
AND TEACH ONLINE TEMPORARILY

It was moved, seconded and duly carried that receives and files University of La Verne College of Law's Request for Waiver and Major Change and grants the request effective immediately as follows: 1) a waiver to teach classes online through August 15, 2022 as needed if public health orders require; 2) a major change to allow the addition of up to three remote weeks per semester for each class at the discretion of the law school, with campus services to remain available; and 3) a major change to teach up to three upper-class electives per semester online.

Moved by Wilcoxson, seconded by Reyes.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Judge Herman – yes

Iseri – yes  
Kramer – yes  
Reyes – yes  
Torres – yes  
Wilcoxson – yes

MAJOR CHANGE – CAL NORTHERN SCHOOL OF LAW – TEACH BLENDED ONLINE/  
CLASSROOM JD CLASSES AND REQUEST ACQUIESCENCE TO MODIFY A NON-JD PROGRAM

It was moved, seconded and duly carried that the Committee of Bar Examiners receives and files Cal Northern School of Law's request for Major Change and Acquiescence; grants the law school's request to teach each JD class synchronously online and in the classroom in blended format; and provides its acquiescence to the law school's Master of Legal Studies program taught synchronously online and in the classroom in blended format for each class.

Moved by Brody, seconded by Torres.

The motion passed. Roll call vote:

Bolton – yes  
Brody – yes  
Cao – yes  
Chan – yes  
Efting – yes  
Gongora – yes  
Heisinger – yes  
Judge Herman – yes  
Iseri – yes  
Kramer – yes  
Reyes – yes  
Torres – yes  
Wilcoxson – yes

WAIVER – GLENDALE UNIVERSITY COLLEGE OF LAW –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files and grants Glendale University College of Law's request for waiver to teach classes online through August 31, 2022.

WAIVER – IRVINE UNIVERSITY COLLEGE OF LAW –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files, and grants Irvine University College of Law's waiver request to teach classes online through August 31, 2022.



WAIVER – LINCOLN LAW SCHOOL OF SACRAMENTO –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files, and grants Lincoln Law School of Sacramento's waiver request to teach classes online through August 31, 2022.

WAIVER – LINCOLN LAW SCHOOL OF SAN JOSE –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files, and grants Lincoln Law School of San Jose's waiver request to teach classes online through June 30, 2022.

WAIVER – PACIFIC COAST UNIVERSITY SCHOOL OF LAW –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files, and grants Pacific Coast University School of Law's waiver request to teach classes online through August 31, 2022.

WAIVER – PEOPLES COLLEGE OF LAW –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files, and grants Peoples College of Law's waiver request to teach classes online through August 31, 2022.

WAIVER – SAN FRANCISCO LAW SCHOOL –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files, and grants San Francisco Law School's waiver request to teach classes online through May 31, 2022.

WAIVER – SANTA BARBARA AND VENTURA COLLEGES OF LAW –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files, and grants Santa Barbara and Ventura Colleges of Law's waiver request to teach classes online through August 31, 2022.

WAIVER – THOMAS JEFFERSON SCHOOL OF LAW –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files, and grants Thomas Jefferson School of Law's waiver request to teach classes online through August 31, 2022.

WAIVER – WESTERN SIERRA LAW SCHOOL –  
TEACH CLASSES ONLINE TEMPORARILY

It was moved, seconded and duly carried that the Committee of Bar Examiners receives, files, and grants Western Sierra Law's waiver request to teach classes online through August 31, 2022.

Moved by Torres, seconded by Brody.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Judge Herman – yes

Iseri – yes

Kramer – yes

Reyes – yes

Torres – yes

Wilcoxson – yes

REPORT ON 2021 – 2022 EDUCATIONAL STANDARDS GOALS

It was moved, seconded and duly carried that the report on 2021 – 2022 Educational Standards goals be approved.

Moved by Cao, seconded by Wilcoxson.

The motion passed. Roll call vote:

Bolton – yes

Brody – yes

Cao – yes

Chan – yes

Efting – yes

Gongora – yes

Heisinger – yes

Judge Herman – yes

Iseri – yes  
Kramer – yes  
Reyes – yes  
Torres – yes  
Wilcoxson – yes

## **MORAL CHARACTER**

### **REPORT ON 2021 – 2022 MORAL CHARACTER GOALS**

It was moved, seconded and duly carried that the report on 2021 – 2022 Moral Character goals and accomplishments be approved.

Moved by Brody, seconded by Heisinger

The motion passed. Roll call vote:

Bolton – yes  
Brody – yes  
Cao – yes  
Chan – yes  
Efting – yes  
Gongora – yes  
Heisinger – yes  
Judge Herman – yes  
Iseri – yes  
Kaplan – yes  
Kramer – yes  
Reyes – yes  
Torres – 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 11:01 a.m., Saturday, December 4, 2021.