



# The State Bar *of California*

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## **OPEN AGENDA**

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

**JUNE 2022**

### **COMMITTEE OF BAR EXAMINERS**

#### **OPEN SESSION MINUTES**

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

**June 17, 2022**

**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 9:02 a.m., Friday, June 17, 2022, Chair Alexander C. Lawrence, Jr. presiding.

Officers and members present were: Chair Alexander C. Lawrence, Jr., James A. Bolton, Ph.D., Robert S. Brody, James Efting, Kareem Gongora, Dolores Heisinger, Vincent Reyes, Judge Shelly Torrealba, David A. Torres, and Dr. Don Ajené Wilcoxson.

Officers and members absent were: Vice-Chair Paul A. Kramer, Michael Cao, M.D., Alex H. Chan, Judge James Herman, Michael A. Iseri, Larry Kaplan, Esther P. Lin, and Bethany J. Peak.

State Bar staff members in attendance were: Donna Hershkowitz, Chief of Programs; Amy C. Nuñez, Director III, Admissions; Audrey Ching, Assistant Director, Admissions; Tara Clark, Program Manager II, Moral Character; Christina Doell, Program Manager II, Examination Grading; Lisa Cummins, Principal Program Analyst, Examination Development; Natalie Leonard, Principal Program Analyst, Educational Standards; Devan McFarland, Senior Administrative Assistant, Admissions; David Lane, Senior Attorney, Moral Character; Caroline Holmes, Attorney IV, General Counsel; Jean Krasilnikoff, Attorney IV, General Counsel; Ezra Angelus, Program Coordinator, Admissions.

The open session portion ended at approximately 11:50 a.m. for a lunch break. The meeting resumed at 12:15 p.m. The meeting went into closed session at approximately 2:51 p.m. The meeting returned to open session at approximately 3:31p.m. and concluded at 3:34 p.m.

#### **PUBLIC COMMENTS**

The Committee of Bar Examiners received one written public comment and one public comment unrelated to the Office of Admissions.

APRIL 22, 2022 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 April 22, 2022, be approved.

Moved by Reyes, seconded by Brody.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - abstain

Gongora - yes

Heisinger - yes

Lawrence - yes

Reyes - yes

Torrealba - yes

Torres - yes

Wilcoxson - yes

SCHEDULE FOR AUGUST 19, 2022 COMMITTEE MEETING

It was by common consent agreed that the schedule for the August 19, 2022 Meeting, which will be held via a Zoom webinar, be received and filed.

APRIL AND MAY STATISTICAL INDICATORS

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

**EXAMINATIONS**

2022 Report on Examination Goals

It was moved, seconded, and duly carried that the report on 2022 Examination Subcommittee goals be approved.

Moved by Brody, seconded by Torres.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - yes

Gongora - yes

Heisinger - yes

Lawrence - yes

Reyes - yes  
Torrealba - yes  
Torres - yes  
Wilcoxson - yes

## **OPERATIONS AND MANAGEMENT**

### **O-300 REPORT ON THE OCTOBER 2021 FIRST-YEAR LAW STUDENTS' EXAM COST-ANALYSIS**

It was moved, seconded, and duly carried that the report on the February 2022 California Bar Exam Cost-Analysis be approved.

Moved by Torres, seconded by Reyes.

The motion passed. Roll call vote:

Bolton - yes  
Brody - yes  
Efting - yes  
Gongora - yes  
Heisinger - yes  
Lawrence - yes  
Reyes - yes  
Torrealba - yes  
Torres - yes  
Wilcoxson - yes

### **O-301 REPORT ON THE FEBRUARY 2022 CALIFORNIA BAR EXAM COST-ANALYSIS**

It was moved, seconded, and duly carried that the report on the February 2022 California Bar Exam Cost-Analysis be approved.

Moved by Torres, seconded by Brody.

The motion passed. Roll call vote:

Bolton - yes  
Brody - yes  
Efting - yes  
Gongora - yes  
Heisinger - yes  
Lawrence - yes  
Reyes - yes  
Torrealba - yes  
Torres - yes  
Wilcoxson - yes

### **O-302 RECOMMENDATION TO ELIMINATE FIVE-YEAR TIMELINE FOR VALIDITY OF PASSING BAR EXAM SCORE**

It was moved, seconded, and duly carried to recommend to the Board of Trustees to circulate a 45-day public comment period the rule changes reflected in Attachment A, eliminating the five-

year expiration period on a passing score on the California Bar Exam and enact related changes.

Moved by Brody, seconded by Torres.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - abstain

Gongora - yes

Heisinger - abstain

Lawrence - yes

Reyes - yes

Torrealba - yes

Torres - yes

Wilcoxson - yes

#### O-303 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 Brody, seconded by Heisinger.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - yes

Gongora - yes

Heisinger - yes

Lawrence - yes

Reyes - yes

Torrealba - yes

Torres - yes

Wilcoxson - yes

#### EDUCATIONAL STANDARDS

##### O-400 ACTION ON MAJOR CHANGE – CHANGE OF NAME AND ACQUIESCENCE TO NON-JD PROGRAMS – DEGREES IN PUBLIC ADMINISTRATION – UNIVERSITY OF LA VERNE COLLEGE OF LAW

It was by moved by Torres, seconded by Gongora, and duly carried that the Committee of Bar Examiners receive and file the University of La Verne College of Law's application, approve the name change of University of La Verne College of Law to University of La Verne College of Law and Government Policy and acquiesce to the immediate acquisition, absorption, and administration of the University of La Verne's public administration program currently housed in the University of La Verne's School of Business and Public Administration, which will offer the Bachelor of Science in Public Administration, the Master of Public Administration, the Doctor of Public Administration, and the joint JD/MPA.

FURTHER MOVE, that the law school provide a summary of its progress as to the acquisition in its 2022 Annual Report.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - yes

Gongora - yes

Heisinger - yes

Lawrence - yes

Reyes - yes

Torrealba - yes

Torres - yes

Wilcoxson - yes

O-401 ACTION ON WAIVER OF REQUIREMENTS TO TEACH FIXED FACILITY CLASSES – WESTERN  
SIERRA LAW SCHOOL

(Withdrawn)

O-402 Action on Progress Report Related to Periodic Inspection – San Francisco Law School

It was by moved by Torres, seconded by Reyes, and duly carried that the Committee of Bar Examiners receive and file San Francisco Law School's May 2022 progress report and make a finding that the law school has sustained its compliance with the recommendations noted in the law school's inspection report.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - yes

Gongora - yes

Heisinger - yes

Lawrence - yes

Reyes - yes

Torrealba - yes

Torres - yes

Wilcoxson - yes

O-403 ACTION ON PROGRESS REPORT RELATED TO CHANGING CATEGORY FROM  
FIXED-FACILITY TO DISTANCE – IRVINE COLLEGE OF LAW

It was by moved by Brody, seconded by Reyes, and duly carried that the Committee of Bar Examiners receive and file Irvine College of Law's timely March 15, 2022 progress report and June 1, 2022 addendum and find that the law school is in substantial compliance sufficient to continue its transition to being an unaccredited distance category law school and launching its new program in July 2022 as scheduled.

FURTHER MOVE, that the Committee of Bar Examiners direct Irvine College of Law to report to the State Bar by November 15, 2022, along with its Annual Report, all syllabi for courses to be offered in its 2023 winter/spring semester, scheduled to start in January 2023.

The motion passed. Roll call vote:

Bolton - yes  
Brody - yes  
Efting - yes  
Gongora - yes  
Heisinger - yes  
Lawrence - yes  
Reyes - yes  
Torrealba - yes  
Torres - yes  
Wilcoxson - yes

O-404 ACTION ON PERIODIC INSPECTION – AMERICAN INSTITUTE OF LAW

It was by moved by Brody, seconded by Torres, and duly carried that the Committee of Bar Examiners receive and file the 2021 Periodic Inspection Report of the American Institute of Law, and the response from the law school documenting its progress and objections.

FURTHER MOVED, that the report's recommendations be adopted and the law school be directed to document completion of the recommendations as part of the law school's 2022 Annual Periodic Compliance Report;

FURTHER MOVED, that the registration of American Institute of Law be continued; and that the law school's next periodic inspection be scheduled for fall 2023, unless the Committee determines that an inspection is needed sooner.

The motion passed. Roll call vote:

Bolton - yes  
Brody - yes  
Efting - yes  
Gongora - yes  
Heisinger - yes  
Lawrence - yes  
Reyes - yes  
Torrealba - yes  
Torres - yes  
Wilcoxson - yes

O-405 ACTION ON MAJOR CHANGE – CHANGE CATEGORY FROM FIXED-FACILITY TO DISTANCE  
AND WAIVER OF REQUIREMENTS TO TEACH FIXED-FACILITY CLASSES – PACIFIC COAST  
UNIVERSITY SCHOOL OF LAW

It was by moved by Brody, seconded by Torres, and duly carried that the Committee of Bar Examiners receive and file Pacific Coast 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 grant the request with a program launch timing of August 2023, subject to the following conditions. Progress reports on milestones to be provided on a schedule provided by staff. The law school must submit: 1) the curriculum and credit content for the distance program; 2) class syllabi for the distance category program, comparing the 3.5 credit current versions to the 3 credit new versions; 3) a copy of the policy that establishes procedures for verifying each student's preparation and study; and 4) the law school's methods and metrics it will use to monitor and adjust the effectiveness of the new courses; and 5) sample transcripts submitted to staff for evaluation.

FURTHER MOVE, that the Committee receives and files the law school's request to extend its waiver to teach classes online through August 31, 2023, while still in the fixed-facility category.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - yes

Gongora - yes

Heisinger - yes

Lawrence - yes

Reyes - yes

Torrealba - yes

Torres - yes

Wilcoxson - yes

O-406 ACTION ON PROGRESS REPORT RELATED TO PERIODIC INSPECTION AND NOTICE OF NONCOMPLIANCE – PEOPLES COLLEGE OF LAW

It was by moved by Brody, seconded by Torres, and duly carried that the Committee find that Peoples College of Law did not file an amended progress report or respond to staff requests within 30 days, receive and file the law school's amended progress report received on June 3, 2022, and acknowledge that the law school provided responses to staff questions during the week of May 23, 2022, an updated handbook on June 3, 2022, and publicly posted statutorily required web disclosures on June 7, 2022;

FURTHER MOVE, that the Committee issue a Notice of Noncompliance, based on the need to review staffing levels, procedures, required deliverables, and timelines to ensure compliance. The law school should be directed to respond within 15 days consistent with the rules; and

FURTHER MOVE, that the Committee provide notice to the law school pursuant to Rule 4.263 that it intends to pursue probation or termination of registration unless the law school can demonstrate compliance in its timely response.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - yes

Gongora - yes

Heisinger - abstain  
Lawrence - yes  
Reyes - abstain  
Torrealba - yes  
Torres - yes  
Wilcoxson - yes

O-407 ACTION ON RESPONSE TO NOTICE OF NONCOMPLIANCE – AMERICAN HERITAGE  
UNIVERSITY SCHOOL OF LAW

It was by moved by Brody, seconded by Gongora, and duly carried that the Committee of Bar Examiners find that American Heritage University School of Law has not responded to the Notice of Noncompliance issued by the Committee within the timeline provided by the rules and has not established its compliance with the Rules and Guidelines for Unaccredited Law Schools.

FURTHER MOVE, that the Committee direct staff to schedule a remote inspection of the law school to offer a final opportunity to the law school to address its compliance status, and that the law school be directed to bring to that inspection any individual or information needed to fully address the issues raised in the Notice of Noncompliance issued to the law school and demonstrate its compliance with the Rules and Guidelines for Unaccredited Law Schools.

FURTHER MOVE, that at its next regularly scheduled meeting, the Committee will take notice that an inspection has been conducted and review the resulting report, or, if the law school does not respond, that the Committee will take final action to impose termination of registration at its August 2022 meeting.

The motion passed. Roll call vote:

Bolton - yes  
Brody - yes  
Efing - yes  
Gongora - yes  
Heisinger - yes  
Lawrence - yes  
Reyes - yes  
Torrealba - yes  
Torres - yes  
Wilcoxson - yes

O-408 REPORT ON ADMINISTRATIVE UPDATES FOR ACCREDITED AND UNACCREDITED LAW  
SCHOOLS

It was by common consent agreed that the report on Administrative Updates at Accredited and Unaccredited Law Schools for the Office of Admissions/Committee of Bar Examiners be received and filed.

O-409 APPROVAL OF REPORT ON 2021–2022 EDUCATIONAL STANDARDS GOALS



It was by moved by Torres, seconded by Brody, and duly carried that the report on the 2021–2022 Educational Standards goals be approved with the following amendment:

8. Schedule a presentation with a national or regional institutional accreditor.

AUGUST 2022

To:

8. Schedule a presentation with a national or regional institutional accreditor.

TBD

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - yes

Gongora - yes

Heisinger - yes

Lawrence - yes

Reyes - yes

Torrealba - yes

Torres - yes

Wilcoxson - yes

#### O-409 APPROVAL OF REPORT ON 2021–2022 EDUCATIONAL STANDARDS GOALS

It was moved, seconded, and duly carried that the Committee of Bar Examiners approve the report on the 2021–2022 Educational Standards goals.

Moved by Torres, seconded by Brody.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - yes

Gongora - yes

Heisinger - yes

Lawrence - yes

Reyes - yes

Torrealba - yes

Torres - yes

Wilcoxson - yes

#### MORAL CHARACTER

#### O-500 REPORT ON 2021–2022 MORAL CHARACTER GOALS

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

be approved.

Moved by Heisinger, seconded by Brody.

The motion passed. Roll call vote:

Bolton - yes

Brody - yes

Efting - yes

Gongora - yes

Heisinger - yes

Lawrence - yes

Reyes - yes

Torrealba - yes

Torres - yes

Wilcoxson - yes

#### ADJOURNMENT

The meeting adjourned at 3:34 p.m., Friday, June 17, 2022.