



# The State Bar of California

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## Blue Ribbon Commission on the Future of the California Bar Exam Teleconference

Open Session Minutes  
Tuesday, August 16, 2022  
10:00 a.m.–2:25 p.m.

**Time Meeting Commenced:** The Blue Ribbon Commission meeting commenced in open session at 10:00 a.m.

**Time Meeting Adjourned:** 2:25 p.m.

**Chair:** Joshua Perttula

**Committee Coordinator:** Devan McFarland

**Members Present:** Chair Joshua Perttula, Susan Bakhshian, David Boyd, Alex Chan, Charles Duggan, Jeremy M. Evans, Jackie Gardina, Dr. James Henderson, Esther Lin, Tracy Montez, Natalie Rodriguez, Emily L. Scivoletto, Karen Silverman, Mai Linh Spencer, and Amy Williams

**Members Absent:** Ryan Harrison, Judge Glen Reiser, Kristin L. Rosi

### OPEN SESSION

#### Call to Order

The Blue Ribbon Commission was called to order by Chair Perttula.

#### Roll Call

Roll call was taken and a quorum was established.

#### I. Chair's Remarks

##### A. Call for Public Comment

Chair Perttula called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the commission:

1. Tyler Sutherland, Director of Racial Justice and Equity at the Legal Aid Foundation of Los Angeles.
  - Tyler Sutherland expresses support for the non-exam pathway to licensure be a supervised practice. Allowing for a supervised practice pathway to licensure will allow legal aid organizations to hire law school graduates earlier and will prevent the loss of many qualified candidates. Additionally, starting salaries in the legal aid sector are less than half of what is common in the private sector. This supervised practice pathway will mitigate the

intense racial disparity that we see in bar exam results which will hopefully increase the diversity of this profession.

2. Claire Solot, Legal Service Funders Network

- Claire Solot suggests that if this organization is true to its mission to increase access to justice and diversity in the profession, this organization must add pathways to licensure that are not solely based on a written exam. In September, the LSF Network will provide results and findings regarding newly designed forms, very similar to what has been discussed in terms of assessments of portfolio projects. These results will help ease a lot of the concern about how one administers an evaluation process for supervised practice.

3. Sebastian Bendeck, provisionally licensed California lawyer at the Legal Aid Foundation of Los Angeles.

- Sebastian Bendeck states that an alternative pathway to licensure should be created and that the remaining California provisionally licensed lawyers should be admitted on motion based on service in the program. Mr. Bendeck notes that in the 19th century, most American attorneys were admitted via apprenticeship; in the 20th century, most American attorneys were admitted via bar examination. Considering the COVID-19 global pandemic and all the achievements this select group has managed to produce, Bendeck believes that minimum confidence can be displayed to the bar on a case by case determination.

4. Eric Abramian, provisionally licensed California lawyer

- Eric Abramian suggests that an alternative pathway to becoming a licensed attorney is the only sustainable way to move forward. Abramian states that law schools provide the basic tools to understand the law but practicing with a provisional license provide context and invaluable, real-world experience representing clients. Abramian states that while attending a top 100 law school, he was required to take dozens of courses regarding areas of law not related to his desired practice. Graduates of law schools should be able to select specific career paths without having subjects they will never practice stand in the way of their licensure.

5. Guy Bonetati, provisionally licensed California lawyer

- Guy Bonetati suggests that the non-exam pathway to licensure should be a totality of circumstance analysis based on factors the Blue Ribbon Commission comes up with. Bonetati states that the provisional licensed lawyer program has enabled himself to receive hands-on practical training which has been quite critical to his success.

6. Patrick Quinn, provisionally licensed California lawyer
  - Patrick Quinn thanked the commission for their time, efforts, and everything else they have done. Quinn became a provisionally licensed lawyer not only during a global pandemic, but also after developing adult epilepsy. This program has enabled Mr. Quinn to gain real life experience, accumulate over 3,000 hours, 500 appearances on record, and countless motions regarding felony matters. Mr. Quinn fully supports the non-exam pathway to licensure be a supervised practice.
7. Jessica Juarez, provisionally licensed California lawyer
  - Jessica Juarez fully supports the non-exam pathway to licensure be a supervised practice. Also working as a legal services funders network senior mentor, Juarez reports that more than 25 percent of her fellows and mentors who took the July 2022 California Bar Examination reported back problems with how the exam was not being administered uniformly. Problems encountered during the examination included late start times, proctors being misinformed regarding rules and procedures, proctors speaking and laughing during the examination, exam room technical difficulties, etc. Revising the current California Bar Examination will not eliminate discrepancies regarding testing environments for applicants.

#### **B. Approval of Open Session Minutes: July 19, 2022**

*Moved by Evans, seconded by Gardina.*

*Ayes – (12) Perttula, Bakhshian, Boyd, Chan, Duggan, Evans, Gardina, Montez, Scivoletto, Silverman, Spencer, Williams*

*Noes – (0)*

*Abstain – (3) Henderson, Lin, Rodriguez*

*Absent – (3) Harrison, Reiser, Rosi*

*Minutes adopted.*

## **II. Business**

### **A. What We Can Learn from the Law Society of Ontario**

**Presenter:** Priya Batia, Executive Director, Professional Development & Competence, at the Law Society of Ontario.

Discussion and Presentation only.

### **B. Discussion and Recommendation for a California Non-Exam Pathway to Licensure**

**RESOLVED**, that the Blue Ribbon Commission approve the recommendation to the State Bar Board of Trustees and the California Supreme Court that California explore a bar

exam alternative for licensure to practice law. It is recommended that this exploration of an alternative pathway have a significantly increased focus on assessment of knowledge, skills and abilities for entry-level practice, deemphasizing the need for memorization of doctrinal law. The precise elements of a bar exam alternative (including eligibility and timeframe to completion) should be determined in consultation with experts, including psychometricians, to ensure the pathway is valid and reliable with a standard equivalent to the bar examination.

It is further recommended that the alternative pathway shall include the following elements:

#### Law School

Any applicant interested in availing themselves of the alternative pathway would need to complete at least six units of experiential coursework in law school that covers CAPA's skills and abilities. However serious consideration should be given to increasing this experiential education requirement.

#### Supervised Practice

- There shall be a post-law school supervised practice requirement. The exact number of hours required remains to be determined, with the goal of consistency with the exam timeline to licensure;
- Mandatory and structured supervisor training and oversight to be developed by the regulator shall be required in order to provide consistency in the supervised practice component and ensure that the supervision continues to emphasize the skills and abilities necessary for minimum competence;
- A to be determined percentage of supervised practice hours may occur during law school; and
- Equity, disparity and cost issues must be taken into account

#### Assessment

- Summative assessment may include a capstone/portfolio, simulated in-person assignments and/or a written exam component
- Scoring and grading must be valid, reliable and conducted by the regulator

*Moved by Montez, seconded by Gardina*

*Ayes – (7) Perttula, Bakhshian, Gardina, Henderson, Montez, Rodriguez, Spencer  
Noes – (9) Boyd, Chan, Duggan, Evans, Lin, Scivoletto, Silverman, Williams*

*Abstain – (0)*

*Absent – (3) Harrison, Reiser, Rosi*

*Motion fails.*

**RESOLVED**, that the Blue Ribbon Commission approves recommendation to the State Bar Board of Trustees and the California Supreme Court that California does not adopt a non-exam pathway for licensure to practice law.

It is further recommended that a bar exam alternative be considered after the implementation of a revised California bar exam.

*Moved by Jeremy Evans, seconded by Charles Duggan*

*Ayes – (6) Boyd, Chan, Duggan, Evans, Lin, Williams*

*Noes – (7) Perttula, Bakhshian, Gardina, Rodriguez, Scivoletto, Silverman, Spencer*

*Abstain – (0)*

*Absent – (5) Henderson, Harrison, Montez, Reiser, Rosi*

*Motion fails.*

**C. Discussion and Recommendation of Pathways to Licensure for Out-of-State Law School Applicants, Out-of-State Attorneys, Foreign Attorneys and Foreign-Educated Applicants**

Item carried over to the next meeting.

**ADJOURN**