



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Friday, October 14, 2022
9:14 a.m. – 5:04 p.m.

Time Meeting Commenced:

The Committee of Bar Examiners meeting commenced in open session at 9:14 a.m. The committee moved to closed session at 11:47 a.m. The committee returned to open session at 1:41 p.m. The committee returned to closed session at 3:15 p.m. The committee returned to open session at 5:04 p.m.

Time Meeting Adjourned:

5:04 p.m.

Chair:

Paul A. Kramer

Committee Coordinator:

Devan McFarland

Members Present:

Alexander C. Lawrence, Jr., James A. Bolton, Ph.D., Michael Cao, M.D, Alex H. Chan, Robert S. Brody, James Efting, Kareem Gongora, Dolores Heisinger, Judge James Herman, Larry Kaplan, Esther P. Lin, Bethany J. Peak, Vincent Reyes, David A. Torres, and Dr. Don Ajené Wilcoxson

Members Absent:

None

OPEN SESSION

Call to Order

The Committee of Bar Examiners was called to order by Chair Kramer.

Roll Call

Roll call was taken and a quorum was established.

I. Chair's Time

B. Call for Public Comment

Chair Kramer 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 Committee:

1. Benjamin Kohn
Benjamin Kohn specifically objects to the proposal for the procedural changes that need rules change floated by staff. All of the changes proposed are adverse to disabled applicants, and solely benefit the workload of staff.
2. Claudia Center, Legal Director of Disability Rights Education and Defense Fund
Claudia Center advises to the Committee of Bar Examiners that there must be changes in policies, procedures, and personnel in regard to the State Bar's testing accommodations for applicants.
3. Areta Guthrey
Areta Guthrey politely asks the Committee of Bar Examiners personnel to turn on closed captioning for current and future Zoom meetings.
4. Shirleen DeRezendes, former elected official
Shirleen DeRezendes strongly suggests to the Committee of Bar Examiners an appeal process for exam applicants other than the Supreme Court. Shirleen DeRezendes suggests that applicants previously approved for testing accommodations should be granted the same testing accommodations for future exams if there are no changes in an applicant's condition.
5. Peter Maduro, clinical psychologist
Peter Maduro advocates that the new proposed rule for testing accommodations ensure collaboration, try not to extend timetables that make the process more difficult, and not include non-substantive language that makes the testing accommodation process more challenging than it already is.
6. Sandra Brooks, Cal Northern School of Law
Sandra Brooks wants to thank the Committee of Bar Examiners for its time and consideration to the written public comment that was presented to Donna Hershkowitz regarding an extension of the November 15th Annual Report Deadline. Typically, CAL schools have eight to ten weeks to respond; but due to this year's delayed receipt, schools will only have three to four weeks to prepare. Sandra Brooks asks for some flexibility for those schools that may need to provide extra time to provide accurate and thorough data.
7. Christina Gonzalez, Peoples College of Law graduate and former Peoples College of Law Board Chair
Supports continuation of registration for the law school and time to correct issues identified.
8. Diana Cruz, 2L Student at Peoples College of Law
Supports continuation of registration for the law school and time to correct issues identified. Diana Cruz was motivated to become an attorney after receiving an eviction notice and could not imagine themselves at any other school; Diana Cruz also passed the FLSX on the first try and finds that their education is effective.
9. Bill Maestas, Founding student member of Peoples College of Law

Supports continuation of registration for the law school and time to correct issues identified. Bill Maestas has had a career in the public interest of many decades. Bill Maestas was unable to be admitted to other law schools and did not have the money or background to pursue legal education elsewhere, and the school focuses on educating similar students.

10. Dr. Roberto LaCara, 3L at Peoples College of Law

Supports continuation of registration for the law school and time to correct issues identified. High school dropout and current 3L at Peoples College of Law who started at Texas A&M, but left in good standing, and attended Monterey College of Law and left in good standing and now is a 3L at Peoples College of Law. Finds quality similar and loves pedagogy and Roberto LaCara is a former faculty member at Peoples College of Law teaching pedagogy.

11. Annabella Bastida, Graduate of Peoples College of Law

Supports continuation of registration for the law school and time to correct issues identified. Annabella Bastida feels as an immigrant and English language learner, they are receiving the support needed, and wants to serve a great need in the immigrant community.

12. Gary Sibiger

Supports continuation of registration for the law school and time to correct issues identified. Discussed the founding of the law school to focus on creating an inclusive place for women, people of color, and representatives of the community including unhoused, working class and others. Gary Sibiger believes that there are at least 4 judges and many attorneys who practice in the public interest including: Pete Navarro, Teresa Sanchez-Gordon and others.

13. Keeairra Dashiell, Current Peoples College of Law student

Accepted after prison sentence of 19 years to life. Others would not accept for moral character reasons. Keeairra Dashiell passed FLSX on the first try. Keeairra Dashiell believes that the school educates those who have no further options.

14. Magda Madrigal, Graduate of Peoples College of Law

Supports continuation of registration for the law school and time to correct issues identified. Only became a lawyer because of Peoples College of Law. Magda Madrigal got 19 unlawful detainers dismissed and got a commendation at work. Magda Madrigal works with those in communities who have few options. Magda Madrigal is committed and willing to work for modest means while those around them will work for 10 years to pay off their loans. Magda Madrigal was gone because of illness but will assist in administration again.

15. Pascual Torres, Dean of Peoples College of Law from August 2022-September 2022 and graduate of Peoples College of Law

Supports continuation of registration for the law school and time to correct issues identified. Pascual Torres does pro bono work for those wrongfully incarcerated after attending Peoples College of Law. Pascual Torres believes closing the law school is not student protection.

16. Anna Minaury, 2L at Peoples College of Law School.
Supports continuation of registration for the law school and time to correct issues identified. Anna Minaury is an organizer who leads a nonprofit that does violence prevention in the city of Los Angeles. Anna Minaury only wanted to attend this law school based on its mission of representing those who do not otherwise have access to representation. Admits changes needed in infrastructure.
17. Frederisha Dixon, Board member with the National Lawyers Guild, mayoral candidate and attorney for Black Lives Matter.
Supports continuation of registration for the law school and time to correct issues identified. Frederisha Dixon is a single parent, college dropout and first-generation college student two generations removed from child slavery. Frederisha Dixon was involved in starting the Black Lives Matter movement in 2014, which caused them to want to be educated and pursue a legal education. Frederisha Dixon identified Peoples College of Law as the legal education that they could afford and decided to go after meeting professors and students. Frederisha Dixon passed the First-Year Law Students' Examination on their first try, and then transferred out of the law school and now studies at another law school.
18. Kevin Collins, Consultant, that will be retained by Peoples College of Law
Supports continuation of registration for the law school and time to correct issues identified. They indicate that they will be retained to assist the law school with its compliance.
19. Hector Peña, President, Peoples College of Law Board
Supports continuation of registration for the law school and time to correct issues identified.
20. Edith Pomposo, New Dean of Peoples College of Law Effective September 27, 2022
Supports continuation of registration for the law school and time to correct issues identified. Edith Pomposo discussed their background as an administrator in K-12 school and an undergraduate institution. Edith Pomposo also instituted the Trelo calendaring program at Peoples College of Law after their start to keep track of requests and deliverables.
21. Ira Spiro
Supports continuation of registration for the law school and time to correct issues identified

C. Recognition of Outgoing Chair.

Discussion only.

D. 2022-2023 Committee Year Subcommittee Assignments.

Discussion only.

E. 2022-2023 Law School Council and Committee of State Bar Accredited and Registered Schools Officers and Members.

Discussion only.

F. Approval of August 19, 2022, Committee of Bar Examiners Public Meeting Minutes.

Moved by Robert S. Brody, seconded by Dolores Heisinger

Ayes – (14) Alexander C. Lawrence, Jr., James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Dolores Heisinger, Judge James Herman, Larry Kaplan, Bethany Peak, Vincent Reyes, David A. Torres and Dr. Don Ajené Wilcoxson

Noes – (0)

Abstain – (0)

Absent – (1) Esther Lin

Motion carries.

II. Report of the Executive Director

A. Report on Key Statistical Indicators for August and September 2022.

Amy Nunez provided an oral report.

B. Updates on Office of Admissions and State Bar Activities:

Amy Nunez, Audrey Ching, Leah Wilson, and Dr. Lisa Chavez provided oral reports.

III. Examinations

A. Discussion of Blue Ribbon Commission on the Future of the Bar Exam Recommendations and Next Steps.

Item carried over to next meeting.

B. Approval of Technical Report on the June 2022 First-Year Law Students' Examination.

Item carried over to next meeting.

C. Action on Revisions to the Testing Accommodation Rules; Recommendation to Circulate for Public Comment.

RESOLVED, that the Committee of Bar Examiners recommends to the Board of Trustees to circulate the proposed revisions to the Chapter 7 Rules of the State Bar, as amended deleting the second sentence of Rule 4.93, for a 60-day public comment period.

Moved by Robert S. Brody, seconded by Michael Cao, M.D

Ayes – (11) James A. Bolton, Ph.D., Michael Cao, M.D, Alex H. Chan, Robert S. Brody, James Efting, Kareem Gongora, Dolores Heisinger, Judge James Herman, Michael A. Iseri, Larry Kaplan, Paul A. Kramer, Vincent Reyes, David A. Torres, and Dr. Don Ajené Wilcoxson

Noes – (0)

Abstain – (0)

Absent – (4) Alexander C. Lawrence, Jr., Esther P. Lin, Bethany J. Peak, and Dr. Don Ajené Wilcoxson

Motion carries.

D. Approval of Report on 2021–2022 Examinations Goals.

Item carried over to next meeting.

IV. Operations and Management

A. Action on Recommendation to Adopt Rule Change Eliminating Five-Year Period of Validity for Passing Bar Exam Score: Return from Public Comment.

RESOLVED, that the Committee of Bar Examiners approve the recommendation that the Board of Trustees adopt the rule revisions set forth in Attachments B and C and request approval of the rule changes by the Supreme Court.

Moved by Kareem Gongora, seconded by Larry Kaplan

Ayes – (7) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Kareem Gongora, Judge James Herman, Larry Kaplan, Vincent Reyes,

Noes – (2) James Efting, Dolores Heisinger

Abstain – (0)

Absent – (6) Alex H. Chan, Alexander C. Lawrence, Jr., Esther Lin, Bethany Peak, David A. Torres and Dr. Don Ajené Wilcoxson

Motion carries.

B. Action on Revisions to the Practical Training of Law Students and Law Office Study Rules; Recommendation to Circulate for Public Comment.

RESOLVED, that the Committee of Bar Examiners approves recommendation to the Board of Trustees to circulate the proposed rules set forth in Attachments A, B, C, and D for a 45-day public comment.

RESOLVED, that the Committee of Bar Examiners adopt the Policy Allowing a Grace Period for Submission of Semi-annual Reports by Law Office Study Participants set forth in Attachment E.

Moved by James Efting, seconded by Dolores Heisinger

Ayes – (9) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, James Efting, Kareem Gongora, Dolores Heisinger, Judge James Herman, Larry Kaplan, and Vincent Reyes
Noes – (0)
Abstain – (0)
Absent – (6) Alex H. Chan, Alexander C. Lawrence, Jr., Esther Lin, Bethany Peak, David A. Torres and Dr. Don Ajené Wilcoxson

Motion carries.

C. Approval of Report on 2021-2022 Operations and Management Goals.

Item carried over to next meeting.

V. Educational Standards

A. Action on Amendment to Unaccredited Guideline 1.11 - Examination Preparation Classes as Part of the JD Program.

RESOLVED, that the Committee of Bar Examiners approves CSBARS' proposed amendment to Unaccredited Guideline 1.11, including the bracketed language limiting the percentage of credits that may be granted for test preparation, as set forth in Attachment D.

FURTHER RESOLVED, that the Committee affirms the end of the temporary waiver of Guideline 1.11.

Moved by Robert S. Brody, seconded by James Efting

Ayes – (10) James A. Bolton, Ph.D., Robert S. Brody, Alex H. Chan, Michael Cao, M.D, James Efting, Kareem Gongora, Dolores Heisinger, Judge James Herman, Larry Kaplan, and Vincent Reyes
Noes – (0)
Abstain – (0)
Absent – (5) Alexander C. Lawrence, Jr., Esther Lin, Bethany Peak, David A. Torres and Dr. Don Ajené Wilcoxson

Motion carries.

B. Action on Probation or Termination of Registration and Review of Inspection Report – Peoples College of Law.

RESOLVED, that the Committee of Bar Examiners finds that Peoples College of Law is not or is not likely to be in compliance with the unaccredited law school rules and hereby notifies the law school that it recommends probation or withdrawal of registration. The law school must also notify its students and prospective students of its status immediately and copy the State Bar on the communications, must advise the public of the Notice of Noncompliance on its website, and advise the State Bar when the website has been updated.

The law school may request a hearing before the Committee within fifteen days of being sent a notice that the Committee is recommending probation or withdrawal of registration. Absent a

request for a hearing or following review of the hearing record, if the Committee determines the school is either not in compliance or is not likely to be in compliance with the rules, the Committee may impose termination of registration or probation at its next noticed meeting.

Moved by Kareem Gongora, seconded by Vince Reyes

Ayes – (11) James A. Bolton, Ph.D., Robert S. Brody, Alex H. Chan, Michael Cao, M.D, James Efting, Kareem Gongora, Dolores Heisinger, Judge James Herman, Vincent Reyes, David A. Torres, and Dr. Don Ajené Wilcoxson

Noes – (0)

Abstain – (0)

Recuse – (1) Larry Kaplan

Absent – (3) Alexander C. Lawrence, Jr., Esther Lin, and Bethany Peak

Motion carries.

C. Action on Major Change - Merge John F. Kennedy Northcentral University with National University, Change Name, and Acquiesce to the Law School's non-JD Programs.

RESOLVED, that the Committee of Bar Examiners approve the merger of JFK School of Law at Northcentral with National University effective November 1, 2022, and approve the name change to The JFK School of Law at National University after the merger.

FURTHER RESOLVED, that the Committee acquiesce to the law school's plan to maintain an undergraduate legal studies program and paralegal certificate program as part of the law school after the merger.

FURTHER RESOLVED, that the waiver of the requirement to seek approval 180 days in advance of the change be granted because the law school has provided sufficient information to establish that the law school will be able to maintain continuous compliance during and after the merger.

Moved by David A. Torres, seconded by Kareem Gongora

Ayes – (12) James A. Bolton, Ph.D., Robert S. Brody, Alex H. Chan, Michael Cao, M.D, James Efting, Kareem Gongora, Dolores Heisinger, Judge James Herman, Larry Kaplan, Vincent Reyes, David A. Torres, and Dr. Don Ajené Wilcoxson

Noes – (0)

Abstain – (0)

Absent – (3) Alexander C. Lawrence, Jr., Esther Lin, and Bethany Peak

Motion carries.

D. Administrative Updates from Accredited and Unaccredited Law Schools.

Item carried over to next meeting

E. Approval of Report on 2021-2022 Educational Standards Goals.

Item carried over to next meeting.

V. Moral Character

A. Action on Revisions to the Admissions Rules Pertaining to Moral Character; Recommendation to Circulate for Public Comment and Approval of Procedures Related to Moral Character.

RESOLVED, that the Committee of Bar Examiners recommends to the Board of Trustees to circulate the proposed rules set forth in Attachments A and C for a 45-day public comment period.

Moved by James Efting, seconded by Robert S. Brody

Ayes – (10) James A. Bolton, Ph.D., Robert S. Brody, Alex H. Chan, Michael Cao, M.D, James Efting, Kareem Gongora, Dolores Heisinger, Judge James Herman, Larry Kaplan, and Vincent Reyes

Noes – (0)

Abstain – (0)

Absent – (5) Alexander C. Lawrence, Jr., Esther Lin, Bethany Peak, David A. Torres, and Dr. Don Ajené Wilcoxson

Motion carries.

B. Approval of Report on 2021-2022 Moral Character Goals.

Item carried to next meeting.

CLOSED SESSION

I. CHAIR'S TIME

A. Report from Counsel (Caroline Holmes and Jean Krasilnikoff)

Report on Pending Litigation:

Childs v. State Bar, First District Ct. of Appeals, Case No. CGC-21-590115

Flinders v. State Bar et al., Santa Clara County Superior Ct., Case No. 22-CV-397095;

USDC Northern District, Case No. 5:22-cv-04072-VKD

Guinses v. State Bar, DFEH Case No. 202204-16740319

Jahn v. State Bar, DFEH Case No. 202103-12845809

Kohn v. State Bar et al., Ninth Circuit Ct. of Appeals, Case No. 20-17316

Moran v. State Bar, DFEH Case No. 202107-14091306

Pell v. Amy Nuñez, USDC Central District, Case No. 2:22-cv-03732-AS

Piercy v. State Bar, DFEH Case No. 202202-16125312

Tuma v. State Bar, First District Ct. of Appeals., Case No. A161037

Tran v. State Bar, LA County Superior Ct., Case Nos. 22STCP01836; 22STCV16290

Threatened Litigation Concerning Bar Exam Testing Accommodation Requests

*Closed pursuant to Gov. Code §11126(e)(1) and Government Code 11126(c)(1)

B. Approval of August 19, 2022, Committee of Bar Examiners Closed Meeting Minutes.

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3)-(5) and Gov. Code §11126(c)(1)

II. Examinations

A. Action on Pending Testing Accommodation Appeals

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3), and Gov. Code §11126(c)(1)

III. Operations and Management

A. Report on Security Incidents from the July 2022 California Bar Examination

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3) and Gov. Code §11126(c)(1)

B. WITHDRAWN- Action on the October 2022 Operation & Management Appeals.

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3) and Gov. Code §11126(c)(1)

IV. Moral Character

A. Report and Discussion of Staff Moral Character Determinations

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(4)

B. Action on Moral Character Cases Pending Administrative Review

* Closed pursuant to Bus. & Prof. Code §6026.7(c)(4)

C. Report on Status of Pending Moral Character State Bar Court Cases

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(4)

OPEN SESSION

The committee returned to open session and reported that there is no action to report from closed session. No further discussion took place in open session.

ADJOURN