



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Friday, December 2, 2022
9:00 a.m. – 6:20 p.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:00 a.m. The committee moved to closed session at 5:00 p.m. The committee returned to open session at 6:20 p.m.

Time Meeting Adjourned: 6:20 p.m.

Chair: Paul A. Kramer

Committee Coordinator: Devan McFarland

Members Present: James A. Bolton, Ph.D., Michael Cao, M.D, Alex H. Chan, Robert S. Brody, James Efting, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Judge James Herman, Larry Kaplan, Alexander C. Lawrence, Jr., Esther P. Lin, Bethany J. Peak, Ashley Silva-Guzman, Vincent Reyes, and David A. Torres

Members Absent: Esther Lin and Dr. Don Ajené Wilcoxson

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 suggests to the Committee of Bar Examiners that the current testing accommodations requirements for the California Bar Examinations need to be reformed immediately because they are facially discriminatory and do not protect the public interest.

2. Todd Hill, Student, Peoples College of Law

This student expressed concerns with the practices of his law school, scheduled for a discussion at the CBE meeting as to whether it should be placed on probation or have its registration withdrawn.

3. Edith Pomposo, Dean, Peoples College of Law and Kevin Collins, Consultant to Peoples College of Law

Peoples College of Law appeared and advised that it accepted the order of probation as proposed and expressed no objection to the motion adopted by the Committee of Bar Examiners.

C. Approval of October 14, 2022, Committee of Bar Examiners Public Meeting Minutes.

Moved by Vincent Reyes, seconded by Kareem Gongora

Ayes – (16) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Judge James Herman, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Bethany Peak, Vincent Reyes, Ashley Silva-Guzman, and David A. Torres

Noes – (0)

Abstain – (0)

Absent – (2) Esther Lin and Dr. Don Ajené Wilcoxson

Motion carries.

D. Planning Session: Review of 2022: Initiatives Implemented, Training Topics, Goals and Work Plans, and Discussion and Recommendations for 2023.

Paul A. Kramer, Tammy Campbell, Tara Clark, Lisa Cummins, Christina Doell, Natalie Leonard provided an oral report.

II. Report from Director

A. Updates on Office of Admissions and State Bar Activities

Donna Hershkowitz, Leah Wilson, Amy Nunez, Audrey Ching, Caroline Holmes and Jean Krasilnikoff provided oral reports.

III. Examinations

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

RESOLVED, that the technical report on the June 2022 First-Year Law Students' Examination, prepared by Roger Bolus, Ph.D., be approved, and thereafter received

and filed.

Moved by David Torres, seconded by Bethany Peak

Ayes – (14) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Dolores Heisinger, Judge James Herman, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Bethany Peak, Vincent Reyes, Ashley Silva-Guzman, and David A. Torres

Noes – (0)

Abstain – (0)

Absent – (4) Alex Chan, Kareem Gongora, Esther Lin and Dr. Don Ajené Wilcoxson

Motion carries.

IV. Operations and Management

A. Approval of Report on the June 2022 First-Year Law Students' Exam Cost-Analysis.

RESOLVED, that the June 2022 First-Year Law Students' Examination Cost Analysis be approved.

Moved by David Torres, seconded by Alexander C. Lawrence, Jr.

Ayes – (13) Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Dolores Heisinger, Judge James Herman, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Bethany Peak, Vincent Reyes, Ashley Silva-Guzman, and David A. Torres

Noes – (0)

Abstain – (0)

Absent – (5) James A. Bolton, Ph.D, Alex Chan, Kareem Gongora, Esther Lin, and Dr. Don Ajené Wilcoxson

Motion carries.

B. Approval of Report on the July 2022 California Bar Exam Cost-Analysis.

RESOLVED, that the July 2022 California Bar Examination Cost Analysis be approved.

Moved by Vince Reyes, seconded by Robert S. Brody

Ayes – (12) Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Dolores Heisinger, Judge James Herman, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Bethany Peak, Vincent Reyes, and Ashley Silva-Guzman

Noes – (0)

Abstain – (0)

Absent – (6) James A. Bolton, Ph.D, Alex Chan, Kareem Gongora, Esther Lin, David Torres, and Dr. Don Ajené Wilcoxson

Motion carries.

V. Educational Standards

A. Action to Impose Probation or Withdrawal of Registration of Peoples College of Law.

RESOLVED, that the Committee of Bar Examiners finds that Peoples College of Law is not in compliance with the unaccredited law school rules, but it has made perceptible progress toward compliance.

FURTHER RESOLVED, that the Committee place the law school on probation through and including May 30, 2024, with the understanding that the law school must demonstrate that sufficient progress has been made toward compliance, or its registration as an unaccredited law school will be withdrawn, with the law school's progress to be reviewed at the Committee meeting in October 2023 and April 2024, and agree to submit to annual inspections thereafter until the Committee is satisfied that compliance is likely to be sustained.

FURTHER RESOLVED, that the law school be directed to provide monthly progress reports to the State Bar on the first of the month as to each element of probation during the full term of probation, and to provide a self-study and submit to an inspection in 2023.

FURTHER RESOLVED, that the law school be directed to clearly advise the public, prospective students, and current students of its status on probation affirmatively and clearly, including attaching a copy of the probationary terms to student disclosures, web disclosures, the web home page, and communications shared with prospective students.

FURTHER RESOLVED, that the Committee reserves the right to terminate this probation prior to its scheduled conclusion if the law school fails to make or sustain adequate progress.

Moved by James Efting, seconded by Bethany Peak

Ayes – (15) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Judge James Herman, Esther Lin, Paul A. Kramer, Bethany Peak, Vincent Reyes, Ashley Silva-Guzman, and David A. Torres

Noes – (0)

Abstain – (0)

Rescuse- (2) Alexander C. Lawrence, Jr., and Larry Kaplan

Absent – (1) Dr. Don Ajené Wilcoxson

Motion carries.

C. Administrative Updates from Accredited and Unaccredited Law Schools.

James Efting and Natalie Leonard provided an oral report.

VI. Moral Character

A. Approval of Revised Procedures Governing Informal Conferences and Procedures Regarding Requests for Administrative Review.

RESOLVED, that the Committee of Bar Examiners approve the proposed revisions to the Procedures Governing Informal Conferences and the Procedures Regarding Requests for Administrative Review.

Moved by Robert S. Brody, seconded by James Efting

Ayes – (11) Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Dolores Heisinger, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Bethany Peak, Ashley Silva-Guzman, and Vincent Reyes

Noes – (0)

Abstain – (1) Judge James Herman

Absent – (6) James A. Bolton, Ph.D., Alex H. Chan, Kareem Gongora, Esther Lin, David A. Torres, and Dr. Don Ajené Wilcoxson

Motion carries.

CLOSED SESSION

I. CHAIR'S TIME

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

Report on Pending Litigation [Closed pursuant to Gov. Code §11126(e)(1)
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 October 14, 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)

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 State Bar Court Decisions

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

D. 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



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Saturday, December 3, 2022
9:00 a.m. – 1:00 p.m.

Time Meeting Commenced:

The Committee of Bar Examiners meeting commenced in open session at 9:00 a.m. The committee moved to closed session at 11:00 am. The committee returned to open session at 1:00 p.m.

Time Meeting Adjourned:

1:00 p.m.

Chair:

Paul A. Kramer

Committee Coordinator:

Devan McFarland

Members Present:

Michael Cao, M.D, Alex H. Chan, Robert S. Brody, James Efting, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Judge James Herman, Larry Kaplan, Alexander C. Lawrence, Jr., Esther P. Lin, Bethany J. Peak, Ashley Silva-Guzman, Vincent Reyes, and David A. Torres

Members Absent:

James A. Bolton, Ph.D., Esther Lin and Dr. Don Ajené Wilcoxson

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.

III. Examinations

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

Audrey Ching provided an oral report.

V. Educational Standards

B. Hearing and Action under Rule 4.264 on Whether to Impose Probation or Withdrawal of Registration of American Heritage University School of Law.

RESOLVED, that the Committee of Bar Examiners accepts the voluntary withdrawal of registration of American Heritage University School of Law provided on December 2, 2022.

FURTHER RESOLVED, that the Committee finds after completing all steps enumerated in the Unaccredited Law School Rules regarding noncompliance and carefully considering the facts and entire record before it that the law school is not in compliance with the Rules for Unaccredited Law Schools and is not likely to come into compliance, and therefore registration is also withdrawn.

FURTHER RESOLVED, the law school's degree granting authority and its authority to teach educational classes that fulfill the legal education requirements toward establishing eligibility to take the California Bar Examination is terminated effective January 20, 2023.

FURTHER RESOLVED, that the law school retain all student and graduate records and advise current and former students and graduates that the custodian of these records will be American Heritage University.

FURTHER RESOLVED, that staff is directed to take all reasonable steps to assist the law school's students in evaluating their options in pursuing their legal education.

Ayes – (15) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, James Efting, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Judge James Herman, Larry Kaplan, Alexander C. Lawrence, Jr., Paul A. Kramer, Bethany Peak, Vincent Reyes, Ashley Silva-Guzman, and David A. Torres

Noes – (0)

Abstain – (0)

Absent – (3) James A. Bolton, Ph.D, Esther Lin and Dr. Don Ajené Wilcoxson

Motion carries.

CLOSED SESSION

I. Chair's Time

C. Discussion and Approval of Written Questions for Inclusion on February 2023 California Bar Examination.

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

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