



# The State Bar of California

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## Committee of Bar Examiners Teleconference

Open Session Minutes  
Friday, January 27, 2023  
9:02 a.m. – 5:06 p.m.

**Time Meeting Commenced:** The Committee of Bar Examiners meeting commenced in open session at 9:02 a.m. The Committee moved to closed session at 3:11 p.m. The Committee returned to open session at 4:54 p.m.

**Time Meeting Adjourned:** 5:06 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, Judge James Herman, Larry Kaplan, Alexander C. Lawrence, Jr., Esther P. Lin [joined late], Bethany J. Peak [joined late], Ashley Silva-Guzman, Vincent Reyes, David A. Torres, Dr. Don Ajené Wilcoxson

**Members Absent:** Dolores Heisinger

**State Bar Executive Staff Present:** Leah Wilson and Donna Hershkowitz

## OPEN SESSION

### Call to Order

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

### I. Chair's Time

#### A. Roll Call

Roll call was taken and a quorum was established.

#### 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 expressed concerns regarding the Office of Admission's proposed budget specially raising exam fees. Benjamin Kohn also provided suggestions on where funding could be obtained such as through government grants and different vendors for the software program used for the California Bar Examination. In addition, Benjamin Kohn advised of their written public comment submitted regarding testing accommodations.

2. Rev Frank

Rev Frank expressed concerns with the State Bar of California's presentation of ethics to the public.

3. Todd Hill

Todd Hill expressed the belief that the highest priority of the State Bar of California is protecting the public. Todd Hill also expressed their feeling that the importance of equity and inclusion in regard to the public's invitation to provide public comment.

3. Jacob Shaw, recent law school graduate

Jacob Shaw expressed their concerns with the current California Bar Examination. Specifically, that the exam tests far more memorization and often unused or easy to research legal concepts rather than important client interaction, research, writing and problem analyzation skills. Jacob Shaw offers the following suggestions: eliminate the multiple-choice section of the exam and replace the essays with additional performance test questions. In addition, Jacob Shaw asked for consideration of a non-exam pathway.

**C. Approval of January 27, 2023, Committee of Bar Examiners Public Meeting Minutes**

**RESOLVED**, that the Committee of Bar Examiners that the Committee approves and adopts the January 27, 2023, Committee of Bar Examiners public meeting minutes with the modifications identified in the meeting

*Moved by Robert S. Brody, seconded by Vincent Reyes*

*Ayes – (14) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Judge Amy Guerra, Alexander C. Lawrence, Jr., Larry Kaplan, Paul A. Kramer, Ashley Silva- Guzman, Vincent Reyes, and David A. Torres*

*Noes – (0)*

*Abstain – (1) Dr. Don Ajené Wilcoxson*

*Recuse- (0)*

*Absent – (2) Dolores Heisinger, Esther Lin*

*Minutes adopted.*

**D. Discussion of Promising Meeting Practices for the CBE**

**RESOLVED**, that the Committee of Bar Examiners that the Committee approves and adopts the Points of Consensus set forth for future reference in Committee Planning Session Summary of Points of Consensus memo and with the modifications identified in the meeting

*Moved by Robert S. Brody, seconded by David A. Torres*

*Ayes – (15) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Judge Amy Guerra, Alexander C. Lawrence, Jr., Larry Kaplan, Paul A. Kramer, Bethany Peak, Ashley Silva- Guzman, Vincent Reyes, David A. Torres, and Dr. Don Ajené Wilcoxson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (2) Dolores Heisinger and Esther Lin*

*Motion carries.*

**E. Approval of 2023 CBE Workplan**

Paul A. Kramer provided a presentation and oral report.

**II. Report from Director**

**A.**

**i. Report on Key Statistical Indicators for October, November, and December 2022**

Amy Nuñez provided a presentation and oral report.

**ii. Provisional Licensure Program Update**

Donna Hershkowitz provided an oral report.

**iii. February 2023 California Bar Examination**

Audrey Ching provided an oral report.

**iv. Bar Exam Features Experiment**

Amy Nuñez provided an oral report.

**v. Office of Admissions Budget and Discussion of Exam and Other Fee Increases**

Amy Nuñez provided a presentation and oral report.

**vi. Legislative Proposals for 2023**

Donna Hershkowitz provided an oral report.

**vii. Recent Developments**

Amy Nuñez provided an oral report.

### III. Examinations

#### A. Discussion of Blue Ribbon Commission on the Future of the Bar Exam Report Recommendations

Alex Chan provided an oral report.

#### B. Action on Revisions to the Grading Rules; Recommendation to Circulate for Public Comment

Christina Doell and Alex Lawrence provided an oral report.

#### C. Approval of Technical Report on the October 2022 First-Year Law Students' Exam

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

*Moved by Robert S. Brody, seconded by David A. Torres*

*Ayes – (12) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Alexander C. Lawrence, Jr., Larry Kaplan, Paul A. Kramer, Ashley Silva-Guzman, Vincent Reyes, David A. Torres, and Dr. Don Ajené Wilcoxson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (5) Alex H. Chan, Kareem Gongora, Dolores Heisinger, Esther Lin, Bethany Peak*

*Motion carries.*

#### D. Approval of Report to the Supreme Court on the July 2022 California Bar Exam

**RESOLVED**, that the draft Report to the Supreme Court Report on the July 2022 California Bar Exam be approved and submitted to the California Supreme Court.

*Moved by Robert S. Brody, seconded by Bethany Peak*

*Ayes – (13) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Alexander C. Lawrence, Jr., Larry Kaplan, Paul A. Kramer, Bethany Peak, Ashley Silva- Guzman, Vincent Reyes, David A. Torres, and Dr. Don Ajené Wilcoxson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (4) Alex H. Chan, Kareem Gongora, Dolores Heisinger, and Esther Lin*

*Motion carries.*

#### **IV. Operations and Management**

##### **B. Action on Revisions to the Admissions Rules Pertaining to Chapter 6 Conduct Violations and Exam Administration; Recommendation to Circulate for Public Comment**

Item withdrawn.

##### **B. Approval of Report on the October 2022 First-Year Law Students' Exam Cost-Analysis**

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

*Moved by Robert S. Brody, seconded by Alexander C. Lawrence*

*Ayes – (13) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Alexander C. Lawrence, Jr., Larry Kaplan, Paul A. Kramer, Bethany Peak, Ashley Silva- Guzman, Vincent Reyes, David A. Torres, and Dr. Don Ajené Wilcoxson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (4) Alex H. Chan, Kareem Gongora, Dolores Heisinger, and Esther Lin*

*Motion carries.*

#### **V. Educational Standards**

##### **A. Action on Major Change to Adjust Credit Count for Online JD Program – Pacific Coast University School of Law**

**RESOLVED**, that the Committee of Bar Examiners receives, files, and approves Pacific Coast University College of Law's Request for Major Change to adjust the class sessions in its distance learning JD program from 3 hours to 3.5 hours effective immediately.

*Moved by Robert S. Brody, seconded by Vince Reyes*

*Ayes – (12) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Alexander C. Lawrence, Jr., Larry Kaplan, Paul A. Kramer, Bethany Peak, Ashley Silva- Guzman, Vincent Reyes, and Dr. Don Ajené Wilcoxson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (5) Alex H. Chan, Kareem Gongora, Dolores Heisinger, Esther Lin, and David A. Torres*

*Motion carries.*

##### **B. Action on Major Change of Administrative Headquarters – Pacific Coast University School of Law**

**RESOLVED**, that the Committee of Bar Examiners receives and files Pacific Coast University School of Law's Request for Major Change seeking approval to move its administrative headquarters to 1650 Ximeno Avenue, Suite 240, Long Beach, CA 90804 as set forth in Attachment A, and approves this request effective immediately.

**FURTHER RESOLVED**, that the law school update staff as to the conclusion of the move and undergo a video visit of the new location upon completion of the move or notify staff promptly if the move does not complete prior to March 1, 2023.

*Moved by Vince Reyes, seconded by Alexander C. Lawrence, Jr.*

*Ayes – (12) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Alexander C. Lawrence, Jr., Larry Kaplan, Paul A. Kramer, Bethany Peak, Ashley Silva- Guzman, Vincent Reyes, and Dr. Don Ajené Wilcoxson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (5) Alex H. Chan, Kareem Gongora, Dolores Heisinger, Esther Lin, and David A. Torres*

*Motion carries.*

#### **C. Action on Major Change to Add Online JD Program – Thomas Jefferson School of Law**

**RESOLVED**, that the Committee of Bar Examiners receives, files, and grants Thomas Jefferson School of Law's requests to make the following major changes effective fall 2023 as set forth in Attachment A: 1) increase the flexible cap for the total number of online courses that can be integrated into the law school's residential JD program to 15 units, or 19-21 units for those participating in Early Start, with the option for students to petition to take additional online courses as described in the law school's request; and 2) add a fully online JD program using the same course curriculum and course progression as the residential JD program, but with an asynchronous format.

**FURTHER RESOLVED**, that the law school provides a progress report as to the progress of these two changes along with the law school's 2023 and 2024 Annual Reports, including enrollment, syllabi, measurement efforts taken to date and planned, and program successes and challenges.

*Moved by Robert S. Brody, seconded by Alexander C. Lawrence, Jr.*

*Ayes – (12) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Alexander C. Lawrence, Jr., Larry Kaplan, Paul A. Kramer, Bethany Peak, Ashley Silva- Guzman, Vincent Reyes, and Dr. Don Ajené Wilcoxson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (5) Alex H. Chan, Kareem Gongora, Dolores Heisinger, Esther Lin, and David A. Torres*

*Motion carries.*

## **D. Administrative Updates from Accredited and Unaccredited Law Schools**

Discussion only.

## **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., Sixth Appellate District Ct. of Appeal, Case No. H050562; Ninth  
Circuit Ct. of Appeals, Case No. 22-17014  
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 December 2, 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. Action on the January 2023 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 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.

**RESOLVED**, adjourn the January 27, 2023, Committee of Bar Examiners meeting

*Moved by David A. Torres, seconded by Bethany Peak*

*Ayes – (11) Robert S. Brody, Michael Cao, M.D, James Efting, Judge Amy Guerra, Alexander C. Lawrence, Jr., Paul A. Kramer, Bethany Peak, Ashley Silva- Guzman, Vincent Reyes, David A. Torres, and Dr. Don Ajené Wilcoxson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (6) James A. Bolton, Ph.D., Alex H. Chan, Kareem Gongora, Dolores Heisinger, Larry Kaplan, and Esther Lin*

*Motion carries.*

**ADJOURN**