



# The State Bar of California

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

Open Session Minutes  
Monday, February 27, 2023  
10:01 a.m.– 1:19 p.m.

**Time Meeting Commenced:** The Blue Ribbon Commission meeting commenced in open session at 10:01 a.m.

**Time Meeting Adjourned:** 1:19 p.m.

**Chair:** Joshua Perttula

**Committee Coordinator:** Devan McFarland

**Members Present:** Chair Joshua Perttula, David Boyd, Susan Bakhshian, Alex Chan, Charles Duggan, Jeremy M. Evans [joined late], Jackie Gardina, Ryan Harrison, Dr. James Henderson, Esther Lin [joined late], Tracy Montez, Judge Glen Reiser, Natalie Rodriguez, Kristin L. Rosi, Emily L. Scivoletto, Mai Linh Spencer, and Amy Williams

**Members Absent:** Karen Silverman

**State Bar Executive Staff Present:** Donna Hershkowitz

### 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. Benjamin Kohn

- Benjamin Kohn expressed their disappointment that a consensus was not reached by the Commission in recommending a non-exam pathway to licensure. Benjamin Kohn also expressed concerns that not enough consideration was given to the cost of an exam pathway.

## 2. Claire Solot, Legal Aid Services Funders Network

- Claire Solot commented that the Blue Ribbon Commission draft report does not include key data from the State Bar's Provisional Licensure Program survey and believes the addition of this data will both fulfil the Commission's charge and address many of the red herring issues that those of who oppose exploration of an alternative pathway to licensure have raised in the report. Secondly, Claire Solot states that the report does not provide any factual support of the claims that an alternative pathway will potentially reduce diversity in the law profession. Lastly, Claire Solot comments their belief that Blue Ribbon Commission member participation and voting is suspect and the vote to not explore a nonexam pathway to licensure does not reflect the majority of the Commission.

## 3. Jacob Shaw

- Jacob Shaw, recent law student graduate, commented their belief that the California Bar Examination is not a test of minimum competency. Jacob Shaw requested the Commission allow a nonexam pathway to licensure. In addition, Jacob Shaw requested that the Commission eliminate the MBE portion of the examination and the modification of the essay portion to focus on realistic lawyering skills including legal research and writing skills.

## 4. Matthew Yanez, Disability Rights California

- Matthew Yanez, speaking on behalf of Disability Rights California, expressed their belief that a recommendation of an examination alternative should be evidence-based and believes there are gaps within the Commission report's data that needs further analysis. Matthew Yanez urges the Commission to remove barriers to the legal profession that disparately impact race, gender, ethnicity, disability, age, race, sexual orientation, and citizenship. Matthew Yanez stated there are innovative approaches including capstone projects, supervised practice, and portfolio reviews that are a more equitable determination of minimum competency than an exam.

## **B. Approval of November 3, 2022, Blue Ribbon Commission Open Session Meeting Minutes.**

*Moved by Gardina, seconded by Reiser*

*Ayes – (16) Bakhshian, Boyd, Chan, Duggan, Evans, Gardina, Harrison, Henderson, Montez, Perttula, Reiser, Rodriguez, Rosi, Scivoletto, Spencer, Williams*

*Noes – (0)*

*Abstain – (0)*

*Absent – (2) Lin, Silverman*

*Minutes adopted.*

## **II. Business**

### **A. Discussion and Action on Blue Ribbon Commission Report Draft; Recommendation to Circulate for Public Comment**

**RESOLVED**, that the Blue Ribbon Commission take this sentence, revised during the meeting, in the draft Blue Ribbon Commission report, and move it to a footnote: “Since the 2018 report, the Law Society of Ontario has responded to these issues by creating a new policy to ensure minimum remuneration standards for all articling candidates, implementing mandatory training for principals and supervisors and has begun a process of enhanced oversight and monitoring of placements through audits.” It was further moved that the revised footnote, regarding a report from the Law Society of Alberta’s 2019 survey of articling students and young lawyers that stated that about one third reported having experienced some form of discrimination or harassment either during the articling recruitment process or during their articling term, be moved to the primary text.

*Moved by Harrison, seconded by Rosi*

*Ayes – (9) Boyd, Chan, Duggan, Evans, Harrison, Henderson, Montez, Rosi, Williams*

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

*Abstain – (0)*

*Absent – (2) Lin, Silverman*

*Motion carries.*

**RESOLVED**, that the Blue Ribbon Commission moves to adjourn the meeting.

*Moved by Evans, seconded by Gardina*

*Ayes – (17) Bakhshian, Boyd, Chan, Duggan, Evans, Gardina, Harrison, Henderson, Lin  
Montez, Perttula, Reiser, Rodriguez, Rosi, Scivoletto, Spencer, Williams*

*Noes – (0)*

*Abstain – (0)*

*Absent – (1) Silverman*

*Motion carries.*

**ADJOURN**