



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Friday, April 26, 2023
9:01 a.m. – 5:06 p.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:01 a.m. The Committee moved to closed session at 3:25 p.m. The Committee returned to open session at 5:06 p.m.

Time Meeting Adjourned: 5:06 p.m.

Chair: Paul A. Kramer

Committee Coordinator: Devan McFarland

Members Present: James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D., Alex H. Chan, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Esther P. Lin [joined late], Ashley Silva-Guzman [joined late], Vincent Reyes, David A. Torres [joined late]

Members Absent: James Efting, Bethany J. Peak, Dr. Don Ajené Wilcoxson

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.

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 provided comment on the Testing Accommodations Rules Revisions and expressed their concern with the absence of the two-week processing time limit for staff to respond to initial decisions of the petitions. Benjamin Kohn also shared their concerns with the appeal deadlines.

2. Todd Hill

Todd Hill discussed their lawsuit filed against the State Bar of California related to their education at Peoples College of Law.

B. Approval of March 24, 2023, Committee of Bar Examiners Public Meeting Minutes

RESOLVED, that the Committee of Bar Examiners that the Committee approves and adopts the March 24, 2023, Committee of Bar Examiners public meeting minutes

Moved by David A. Torres, seconded by Kareem Gongora

Ayes – (11) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Alexander C. Lawrence, Jr., Paul A. Kramer, Vincent Reyes, David A. Torres

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (6) James Efting, Larry Kaplan, Esther Lin, Bethany Peak, Ashley Silva-Guzman, Dr. Don Ajené Wilcoxson

Minutes adopted.

C. Chair's Report

Discussion only.

II. Examinations

A. Revisions to the Grading Rules: Adjustment to the Public Comment Period

RESOLVED, that the Committee of Bar Examiners amend its recommendation to the Board of Trustees to circulate the proposed rule set forth in Attachment A for a 60-day public comment period.

Moved by Robert S. Brody, seconded by Dolores Heisinger

Ayes – (12) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Alexander C. Lawrence, Jr., Esther Lin, Ashley Silva-Guzman, Paul A. Kramer, Vincent Reyes

Noes – (0)

Abstain – (1) David A. Torres

Recuse- (0)

Absent – (4) James Efting, Larry Kaplan, Bethany Peak, Dr. Don Ajené Wilcoxson

Motion carries.

III. Operations and Management

A. Action on Revisions to the Admissions Rules Pertaining to Chapter 6 Conduct Violations and Exam Administration: Recommendation to Circulate for Public Comment

Item carried over to next meeting.

B. Action on Revisions to the Special Admissions Rules: Recommendation to Circulate for Public Comment Rules Related to Registered In-House Counsel, Registered Legal Aid Attorneys, Registered Military Spouse Attorneys, and Foreign Legal Consultants

Item carried over to next meeting.

C. Action on Eligibility Rules: Recommendation to Circulate Rules Revision for Public Comment; Recommendation to Adopt and to Repeal of Guidelines and Policies; and Recommendation to Adopt Legislative Proposals

Item carried over to next meeting.

IV. Educational Standards

A. Administrative Updates from Accredited and Unaccredited Law Schools

Discussion only.

B. Action on Motion for Major Change of Administrative Headquarters – Irvine University College of Law

RESOLVED, that the Committee of Bar Examiners receive and file Irvine College of Law's Request for Major Change seeking approval to move its administrative headquarters to 2102 Business Center Drive, Suite 154, Irvine, CA 92612 as set forth in Attachment A, and approve and ratify the move effective May 1, 2023, through March 31, 2024.

FURTHER RESOLVED, that the law school schedule a video visit of the new location with staff via videocall in May 2023 when the move is complete or notify the State Bar promptly if the move does not complete by June 1, 2023.

FURTHER RESOLVED, that the law school provide an update to the committee on or before January 1, 2024, advising whether the law school plans to change its location, and that it requests and secure prior approval of any future move.

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

Ayes – (11) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Judge Amy Guerra, Larry Kaplan, Alexander C. Lawrence, Jr., Paul A. Kramer, Vincent Reyes, David A. Torres

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (6) James Efting, Dolores Heisinger, Esther Lin, Bethany Peak, Ashley Silva-Guzman, Dr. Don Ajené Wilcoxson

Motion carries.

C. Action on Noncompliance with Unaccredited Rule 4.242 (Annual Report filing) – Pacific West College of Law

RESOLVED, that the Committee of Bar Examiners finds that Pacific West College of Law is not in compliance with Rules 4.240(N) and 4.242 as a result of its failure to file a 2022 Annual Report, and that the committee issues a Notice of Noncompliance based on this finding pursuant to Rule 4.260. Pursuant to Rule 4.261, the law school will be required to file a response within 15 days “demonstrating that it is in compliance or is taking steps to achieve compliance.”

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

Ayes – (11) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Judge Amy Guerra, Larry Kaplan, Alexander C. Lawrence, Jr., Paul A. Kramer, Vincent Reyes, David A. Torres

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (6) James Efting, Dolores Heisinger, Esther Lin, Bethany Peak, Ashley Silva-Guzman, Dr. Don Ajené Wilcoxson

Motion carries.

D. Action on Review of Probationary Progress Report – Peoples College of Law

RESOLVED, that the Committee of Bar Examiners receive, and file Peoples College of Law’s probationary progress report filed in part on April 1, 2023 and in part on April 5, 2023. to achieve compliance.”

FURTHER RESOLVED, that the committee advises that the submission of late, incomplete, or inconsistent progress reports will contribute to the committee’s assessment of whether the law school is able to achieve and sustain compliance.

FURTHER RESOLVED, that the law school be directed to document compliance status as to Rule 4.241 and California Business and Professions Code section 6061 in its May 2023 progress report, including documenting: 1) whether the law school provided the specified law student with a disclosure for the spring 2020 term; 2) whether it has received a signed disclosure from the student who did not sign a disclosures for the fall 2022 term as of the date of the April 2023 10 progress report; 3) whether that the law school has “clearly advis[ed] 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;” 4) whether it refunded the tuition of the

student(s) who paid prior to receiving a disclosure, or a full explanation for each of those students as to why the refund was not issued; 5) providing consistent and complete information, including any disclosures omitted from the April 2023 progress report; and 6) explaining discrepancies between the disclosure status charts provided in March 2023 and April 2023.

FURTHER RESOLVED, that the law school continue to be directed to take prompt action to establish full compliance and take the actions noted in Attachment E from the committee's March 2023 meeting, as well as any other steps necessary to avoid noncompliance with any other Rule or Guideline, and to provide evidence of this in its May 2023 progress report. If the law school cannot document compliance in a particular area, the law school must provide an explanation and detailed, documented timeline and action plan as to when compliance is expected to be achieved.

Moved by Robert S. Brody, seconded by Dolores Heisinger

Ayes – (10) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Paul A. Kramer, Vincent Reyes, David A. Torres

Noes – (0)

Abstain – (0)

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

Absent – (5) James Efting, Esther Lin, Bethany Peak, Ashley Silva-Guzman, Dr. Don Ajené Wilcoxson

Motion carries.

V. Moral Character

A. Presentation on the Unauthorized Practice of Law

Item carried over to next meeting.

VI. Report from Director

A.

i. Review of Office of Admissions Organizational Chart

Audrey Ching provided a presentation and oral report.

ii. Discussion and Approval of 2023 CBE Workplan

RESOLVED, that the Committee of Bar Examiners approve the 2023 CBE Workplan.

Moved by Robert S. Brody, seconded by Dolores Heisinger

Ayes – (10) James A. Bolton, Ph.D., Robert S. Brody, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Judge Amy Guerra, Dolores Heisinger, Paul A. Kramer, Vincent Reyes, David A. Torres

Noes – (0)

Abstain – (1) Alexander C. Lawrence, Jr.

Recuse- (0)

Absent – (6) James Efting, Larry Kaplan, Esther Lin, Bethany Peak, Ashley Silva-Guzman, Dr. Don Ajené Wilcoxson

Motion carries.

iii. CBE Chair & Vice-Chair Appointments

Audrey Ching provided an oral report.

iv. Recent Developments

Audrey Ching provided an oral report.

CLOSED SESSION

I. CHAIR'S TIME

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

Report from Counsel (Caroline Holmes and Jean Krasilnikoff)

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

In re Camper on Admissions, Cal. Supreme Court Petition, Case No. S278539

Diviacchi on Admission, Cal. Supreme Court Petition, Case No. S277485

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

Hill v. Peoples College of Law et al., C.D. Cal. Case No. 2:23CV1298

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

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

Mitchell v. State Bar et al., Cal. Supreme Court Petition, Case No. S278784

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

Pell v. Amy Nuñez, Ninth Cir. Ct. of Appeals, Case No. 23-55188

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

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

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 March 24, 2023 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. Action on the April 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. WITHDRAWN-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, April 22, 2023
9:01 a.m. – 10:27 a.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:01 a.m. The Committee moved to closed session at 9:12 a.m. The Committee returned to open session at 10:26 a.m.

Time Meeting Adjourned: 10:27 a.m.

Chair: Paul A. Kramer

Committee Coordinator: Devan McFarland

Attorney Members Present: Robert S. Brody, Alex H. Chan, Paul A. Kramer, Esther P. Lin [joined late], Ashley Silva-Guzman, David A. Torres

Attorney Members Absent: James Efting, Judge Amy Guerra, Bethany J. Peak

State Bar Executive Staff Present: None

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.

CLOSED SESSION

I. CHAIR'S TIME

C. Discussion and Approval of Written Questions for Inclusion on July 2023 California Bar Examination [Special Set for Saturday, April 22 in Closed Session]

*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