



# The State Bar of California

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## Special Meeting of the Board Executive Committee Teleconference

Open Session Minutes  
Thursday, August 10, 2023  
11:32 a.m.–1:46 p.m.

**Time meeting Commenced:** The special meeting of the Board Executive Committee commenced in open session at 11:32 a.m. The committee moved into closed session at 11:57 a.m. The committee returned to open session at 12:15 p.m.

**Time meeting Adjourned:** 12:15 p.m.

**Chair:** Ruben Duran

**Board Secretary:** Louisa Ayrapetyan

**Members Present:** Hailyn Chen (joined late), José Cisneros, Ruben Duran, Gregory Knoll, Mark Toney, Genaro Trejo

**Members Absent:** Arnold Sowell Jr., Brandon Stallings

**Staff Present:** Ellin Davtyan, Leah Wilson

### OPEN SESSION

#### ROLL CALL

The Board of Trustees meeting was called to order by Chair Duran. Roll call was taken and a quorum was established.

#### CALL FOR PUBLIC COMMENT

Chair Duran 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 addressed the Board regarding testing accommodation requests. Kohn stated that applicants should receive an accommodation that matches their need, such as remote proctoring with enhanced security instead of in-person proctoring or allowing food and medication during testing. Furthermore, Kohn mentioned that they submitted a public records request and hoped that there would be no exemptions claimed, unlike with previous requests.
2. Claire Solot:  
Claire Solot reiterated their and the Legal Services Funders Network's (LSFN) concerns regarding bar exam proposals made in July 2023. Solot stated that the LSFN provided a three year plan that would improve the State Bar's fiscal health. Solot suggested that the committee take an approach that would allow for more data collection to help replace the multistate bar exam (MBE), increase fees over multiple years, and use money from the sale of State Bar's San

Francisco office to account for budget shortfalls. Solot stated that the State Bar's current approach shifts costs to examinees. Solot urged the committee to vote for the as-is model.<sup>1</sup>

3. Ray Hayden:

Ray Hayden advocated for their admissions process that they argue would ensure greater public protection and greater competency for new lawyers at a lower price. Hayden's proposal is for half the exam to be remote and half in person (for the MBE section). Hayden stated that the MBE portion had been ruled invalid by multiple parties, which in turn makes the California bar exam invalid. Also, they mentioned that cost and uncertainty of travel poses a problem for out of state and remote test takers.

4. Shirleen Claiche:

Shirleen Claiche began by stating it is unfair to have applicants already approved for accommodations provide additional documentation for each new testing cycle. Claiche claims this would disproportionately affect those with the most severe disabilities. They also asked the committee to be mindful of public comment deadlines, as it was difficult for test takers to provide comments on a short turn around. Claiche stated the deadlines were suspicious. Their third comment was that it is unfair and discriminatory to require disabled applicants travel to take the bar exam, given its physical and financial costs. Claiche's final comment was to advocate for the usage of public institutions to host the bar exam to reduce costs.

5. Reann Pacheco (LAAC):

Reann Pacheco, speaking on behalf of the Legal Aid Association California, spoke in opposition to the recommendation to increase fees and reduce the number of bar exam sites. Pacheco claims this would disproportionately affect low-income graduates, rural communities, and those interested in public interest law. Reduction of sites would increase the financial and stress burden.

6. Todd Hill:

Todd Hill stated that they were been unable to receive an accurate transcript from the People's College of Law. Hill claimed that the State Bar has issues with following administrative procedures and as such filed a federal case: 2:23-CV-01298-JLS-PDX. Hill claims that they have attempted to work with the State Bar but that conflicts and a failure to follow policies has complicated that process. The lack of transcript is delaying a transfer to another school.

7. John McKee:

John McKee, the assistant dean for career and professional development at California Western School of Law, began by agreeing with Shirleen Claiche and reiterated that the removal of San Diego as a testing option would be unfair to disadvantaged and rural law graduates. McKee claims it is a diversity, equity, and inclusion issue to require that students travel to two metropolitan areas. They believe this would put extra burden on recent graduates.

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<sup>1</sup> Chair Duran countered Solot's assertion that the State Bar had sold the San Francisco office.

Chair Duran stated that pursuant to Government Code section 11126(c)(7), 11126(a)(1), 11126(c)(2), and 11126(e)(2)(B)(i): 1 case, the Board Executive Committee will move to closed session to consider the item listed on the closed session agenda.

## **CLOSED SESSION**

### **I. BUSINESS**

#### **A. Discussion Regarding Sale Price and Terms and Leasing Price and Terms for 180 Howard Street, San Francisco**

*\*Closed pursuant to Government Code § 11126(c)(7).*

### **II. Discussion Regarding Audit of Closed Office of Chief Trial Counsel Files**

*\*Closed pursuant to Government Code §§ 11126(a)(1) and 11126(c)(2).*

### **III. Conference with Legal Counsel – Anticipated Litigation**

*\*Closed due to significant exposure to litigation pursuant to Government Code § 11126(e)(2)(B)(i): 1 case*

## **OPEN SESSION**

The committee returned to open session and reported that there is no action to report from closed session.

### **I. CONSENT**

#### **A. Approval of Specified Contracts Pursuant to Business and Professions Code Section 6008.6**

**RESOLVED**, that the Board Executive Committee approves execution of the contracts listed 2–5 herein.

*Moved by Toney, seconded by Cisneros*

*Ayes – (6) Chen, Cisneros, Knoll, Toney, Trejo, Duran*

*Noes – (0)*

*Abstain – (0)*

*Absent – (2) Sowell, Stallings*

*Motion carries.*

### **II. BUSINESS**

#### **A. Approval of 2023 General Fund Budget Amendment**

Presenter: Aracely Montoya-Chico, Chief Financial Officer

**RESOLVED**, that the Board Executive Committee, upon recommendation of the Finance Committee, approve the 2023 Proposed Budget Amendment, including the adjustment in the

budgeted vacancy rate from 15 percent to 8 percent, in the form presented this day, for the period ended August 31, 2023; and it is

**FURTHER RESOLVED**, that the Board Executive Committee, upon recommendation of the Finance Committee, as part of the 2023 recommended budget amendments, amend its legislative priorities to include provisions allowing the State Bar to use excess Client Security Fund and Lawyer Assistance Program reserves to support General Fund operations and authorizes staff to pursue all other options for addressing the projected budget deficit arising from the 2023 budget amendments.

*Moved by Cisneros, seconded by Toney*

*Ayes – (6) Chen, Cisneros, Knoll, Toney, Trejo, Duran*

*Noes – (0)*

*Abstain – (0)*

*Absent – (2) Sowell, Stallings*

*Motion carries.*

**B. Approval of February 2024 Bar Exam Testing Locations; Approval of Related Contracts Pursuant to Business and Professions Code Section 6008.6**

Presenters: Donna Hershkowitz, Chief of Programs & Legislative Director  
Amy Nuñez, Program Director I, Office of Admissions

**RESOLVED**, that the Board Executive Committee approves the staff proposal set forth in Table 1 above, for February 2024, with the direction that the staff explore the possibility of contracting for a site in San Diego, instead of Ontario, if appropriate site is available; delegates authority to the Executive Director and Chair of Board of Trustees, to approve a contract for a San Diego location, if such appropriate site is identified.

*Moved by Knoll, seconded by Toney*

*Ayes – (5) Chen, Cisneros, Knoll, Toney, Trejo*

*Noes – (1) Duran*

*Abstain – (0)*

*Absent – (2) Sowell, Stallings*

*Motion carries.*

**ADJOURN**