



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Friday, December 1, 2023
9:01 a.m. – 3:55 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 12:57 p.m. The Committee returned to open session at 1:47 p.m. The Committee moved to closed session at 3:18 p.m. The Committee returned to open session at 3:51 p.m. The meeting moved to recess at 3:55 p.m.

Time Meeting Adjourned:

3:55 p.m.

Chair:

Michael Cao, M.D

Committee Coordinator:

Devan McFarland

Members Present:

James A. Bolton, Ph.D., Michael Cao, M.D, Alex H. Chan, James Efting [joined late], Kareem Gongora, Larry Kaplan [joined late], Paul A. Kramer, Alexander C. Lawrence, Jr., Esther P. Lin [joined late], Justice Shama H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Members Absent:

Robert S. Brody, Bethany J. Peak

State Bar Executive Staff Present:

Donna Hershkowitz, Leah Wilson

OPEN SESSION

Call to Order

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

I. Chair's Time

A. Roll Call

Roll call was taken and a quorum was established.

Call for Public Comment

Chair Cao 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. Todd Hill

Todd Hill provided public comment on their experiences and challenges as a law student at Peoples College of Law. Todd Hill stated during their time at the Peoples College of Law, they discovered an unlawful scheme within the institution and reported the misconduct to the State Bar. Todd Hill stated their belief that the State Bar failed to timely act on the reported misconduct.

2. Ray Hayden

Ray Hayden provided public comment on agenda item III.A. Action on Implementation Plan to Change Format of the First-Year Law Students' Examination to an all Multiple-Choice Exam. Ray Hayden complimented the State Bar for considering this proposal and believes the same consideration should be made for the California Bar Examination.

3. Benjamin Kohn

Benjamin Kohn provided public comment on the security concerns associated with the remote administration of the California Bar Examination for testing accommodation applicants. Benjamin Kohn expressed their belief that multiple cameras should be used to monitor the remote testing accommodation applicants and it would be important to facilitate a pilot remote examination to ensure the technology is reliable.

B. Approval of October 13, 2023, Committee of Bar Examiners Public Meeting Minutes

MOVED, that the Committee of Bar Examiners approves and adopts the October 13, 2023, Committee of Bar Examiners revised public meeting minutes.

Moved by Kareem Gongora, seconded by Justice Sham H. Mesiwala

Ayes – (12) James A. Bolton, Ph.D, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (4) Robert S. Brody, James Efting, Esther Lin, Bethany Peak,

Minutes adopted.

C. Chair's Report

Discussion only.

D. Planning Session Discussion: Changes to be Implemented in 2024, Training Topics for 2024, Upcoming Initiatives, Review of 2023 Accomplishments, and Recommendations for Additions, Deletions, and Amendments to the Workplan, including 2024 Training Topics

Discussion only.

II. Consent Agenda

A. Report on Administrative Updates Regarding Law Schools

Consent calendar moved by Alexander C. Lawrence, Jr., seconded by Justice Sham H. Mesiwala

Ayes – (13) James A. Bolton, Ph.D, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Paul A. Kramer, Larry Kaplan, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (3) Robert S. Brody, Esther Lin, Bethany Peak

Motion passes.

III. Examinations

A. Action on Implementation Plan to Change Format of the First-Year Law Students' Examination to an all Multiple-Choice Exam

MOVED, that the Committee of Bar Examiners that the committee adopt the implementation plan to change the format of the First-Year Law Students' Examination to an all-multiple-choice exam starting with the June 2024 FYLSX administration.

Moved by Paul A. Kramer, seconded by Justice Sham H. Mesiwala

Ayes – (11) Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Vincent Reyes, Alan Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (5) James A. Bolton, Ph.D, Robert S. Brody, Esther Lin, Bethany Peak, Judge Renee C. Reyna

Motion passes.

IV. Operations and Management

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

MOVED, that the Committee of Bar Examiners that the Board of Trustees circulate the proposed rules with newly updated changes set forth in revised Attachment A for a 60-day public comment period;

FURTHER MOVED, that the Committee of Bar Examiners rescinds the religious headwear petition policy;

FURTHER MOVED, that the Committee of Bar Examiners adopts the revisions to the Chapter 6 Conduct Violations Matrix with the newly updated changes as reflected in revised Attachment D.

Moved by Justice Sham H. Mesiwala, seconded by Paul A. Kramer

Ayes – (11) James A. Bolton, Ph.D, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (5) Robert S. Brody, James Efting, Larry Kaplan, Esther Lin, Bethany Peak

Motion passes.

V. Educational Standards

A. Action on Major Change – Addition of Pre-Admissions Program – Purdue Global Law School

MOVED, that the Committee of Bar Examiners grant Purdue Global Law School’s motion to add a mandatory, non-credit, eight-week FLEX program as set forth in Attachment A and required for those students earning scores of 20 to 23 on the law school’s proprietary entrance exam, effective January 2024.

FURTHER MOVED, that the law school be directed to file a major change seeking pre-approval if the law school plans to change the required grade, length, curriculum or credit status of the program, in order to proactively ensure full compliance with both the law school rules and the admissions.

FURTHER MOVED, that the law school be required to submit progress reports as to the operation and results of the FLEX program and those who complete it, including data on correlation between proprietary exam score, FLEX grade, and success in the JD program, including progression, retention, graduation, and success on State Bar exams, and to include those reports with its annual report until further notice.

Moved by James Efting, seconded by Kareem Gongora

Ayes – (14) James A. Bolton, Ph.D, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Paul A. Kramer, Larry Kaplan, Alexander C. Lawrence, Jr., Esther Lin, Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (2) Robert S. Brody, Bethany Peak

Motion passes.

VII. Report from Director

A. Oral Report

Tara Clark, Audrey Ching, Donna Hershkowitz, Cody Hounanian, Amy Nuñez 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)]
Brewer v. State Bar, et al., E.D. Cal., Case No. 2:23-cv-00860
Diviacchi v. State Bar, Ninth Circuit Ct. of Appeals, Case No. 23-16170
Flinders v. State Bar et al., Sixth Appellate District Ct. of Appeal, Case No. H050562; Ninth Circuit Ct. of Appeals, Case No. 22-17014
Hill v. Peoples College of Law et al., C.D. Cal., Case No. 2:23CV1298
Kohn v. State Bar et al., Ninth Circuit Ct. of Appeals, Case No. 20-17316
Pell v. Amy Nuñez, Ninth Circuit Ct. of Appeals, Case No. 23-55188

*Closed pursuant to Gov. Code §11126(e)(1) and Government Code 11126(c)(1)

B. Approval of October 13, 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. Consent Agenda

A. Report and Discussion of Staff Moral Character Determinations

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

B. Report on Status of Pending Moral Character State Bar Court Cases

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

III. Testing Accommodations and Eligibility (Examinations)

A. Action on Pending Testing Accommodation Requests for Review

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

IV. Examinations

A. Review and Approval of First Year Law Students' Examination Content Maps

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

V. Moral Character

A. Action on Moral Character Cases Pending Administrative Review

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

OPEN SESSION

The committee reconvened in open session and announced that there were no actions to report from the closed session. The meeting was then recessed until Saturday, December 2, 2023.



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Saturday, December 2, 2023
9:09 a.m. – 10:27 a.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:09 a.m. The Committee moved to closed session at 9:11 a.m. The Committee returned to open session at 10:27 a.m.

Time Meeting Adjourned: 10:27 a.m.

Vice-Chair: Alex H. Chan

Committee Coordinator: Devan McFarland

Attorney Members Present: Alex H. Chan, James Efting, Paul A. Kramer, Esther P. Lin, Ashley Silva-Guzman, Judge Renee C. Reyna, Alan Yochelson

Attorney Members Absent: Robert S. Brody, Justice Shama H. Mesiwala, Bethany J. Peak

State Bar Executive Staff Present: None

OPEN SESSION

Call to Order

The Committee of Bar Examiners was called to order by Vice-Chair Chan.

I. Chair's Time

A. Roll Call

Roll call was taken and a quorum was established.

CLOSED SESSION

I. Chair's Time

A. Roll Call

C. Discussion and Approval of Written Questions for Inclusion on February 2024 California Bar Examination

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

OPEN SESSION

The committee reconvened open session and reported that there is no action to report from closed session. No further discussion took place in open session.

ADJOURN